

47. Public Works Employment Act of 1976 (sec. 109, 90 Stat. 1001; 42 U.S.C. 6708; also sec. 208, 90 Stat. 1008; 42 U.S.C. 6728).

48. Energy Conservation and Production Act (sec. 45(h), 90 Stat. 1168; 42 U.S.C. 6881(h)).

49. Solid Waste Disposal Act (sec. 2, 90 Stat. 2828; 42 U.S.C. 6979).

50. Rail Passenger Service Act of 1970 (sec. 405d, 84 Stat. 1337; 45 U.S.C. 565(d)).

51. Urban Mass Transportation Act of 1964 (sec. 10, 78 Stat. 397; renumbered sec. 13 by 88 Stat. 715; 49 U.S.C. 1609).

52. Highway speed ground transportation study (sec. 8(b), 79 Stat. 893; 49 U.S.C. 1636(b)).

53. Airport and Airway Development Act of 1970 (sec. 22(b), 84 Stat. 231; 49 U.S.C. 1722(b)).

54. Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281(ii)).

55. National Capital Transportation Act of 1965 (sec. 3(b)(4), 79 Stat. 40; 49 U.S.C. 682(b)(4)).

**Note.**—Repealed Dec. 9, 1969 and labor standards incorporated in sec. 1-1431 of the District of Columbia Code.

56. Model Secondary School for the Deaf Act (sec. 4, 80 Stat. 1027, Pub. L. 89-694, but not in the United States Code).

57. Delaware River Basin Compact (sec. 15.1, 75 Stat. 714, Pub. L. 87-328) (considered a statute for purposes of this part but not in the United States Code).

58. Energy Security Act (Sec. 175(c), Pub. L. 96-294, 94 Stat. 611; 42 U.S.C. 8701 note).

#### Appendix B

##### Boston Region

For the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont:

Assistant Regional Administrator for Wage-Hour, Employment Standards Administration, U.S. Department of Labor, JFK Federal Building, Government Center, Room 1612C, Boston, Massachusetts 02203 (telephone: 617-223-5565).

##### New York Region

For the States of New Jersey and New York and for the Canal Zone, Puerto Rico, and the Virgin Islands:

Assistant Regional Administrator for Wage-Hour, Employment Standards Administration, U.S. Department of Labor, 1515 Broadway, Room 3300, New York, New York 10036 (telephone: 212-399-5443).

##### Philadelphia Region

For the States of Delaware, Maryland, Pennsylvania, Virginia, and West Virginia, and the District of Columbia:

Assistant Regional Administrator for Wage-Hour, Employment Standards Administration, U.S. Department of Labor, Gateway Building, Room 15220, 3535 Market Street, Philadelphia, Pennsylvania 19104 (telephone: 215-596-1193).

##### Atlanta Region

For the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee:

Assistant Regional Administrator for Wage-Hour, Employment Standards Administration, U.S. Department of Labor, 1371 Peachtree Street, N.E., Room 305, Atlanta, Georgia 30309 (telephone: 404-881-4801).

##### Chicago Region

For the States of Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin:

Assistant Regional Administrator for Wage-Hour, Employment Standards Administration, U.S. Department of Labor, 230 South Dearborn Street, 8th Floor, Chicago, Illinois 60604 (telephone: 312-353-7249).

##### Dallas Region

For the States of Arkansas, Louisiana, New Mexico, Oklahoma, and Texas:

Assistant Regional Administrator for Wage-Hour, Employment Standards Administration, U.S. Department of Labor,

555 Griffin Square Building, Young and Griffin Streets, Dallas, Texas 75202 (telephone: 214-767-8891).

##### Kansas City Region

For the States of Iowa, Kansas, Missouri, and Nebraska:

Assistant Regional Administrator for Wage-Hour, Employment Standards Administration, U.S. Department of Labor, Federal Office Building, Room 2000, 911 Walnut Street, Kansas City, Missouri 64106 (telephone: 816-374-5386).

##### Denver Region

For the States of Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming:

Assistant Regional Administrator for Wage-Hour, Employment Standards Administration, U.S. Department of Labor, Federal Office Building, Room 1440, 1961 Stout Street, Denver, Colorado 80294 (telephone: 304-837-4613).

##### San Francisco Region

For the States of Arizona, California, Hawaii, and Nevada:

Assistant Regional Administrator for Wage-Hour, Employment Standards Administration, U.S. Department of Labor, 450 Golden Gate Avenue, Room 10353, San Francisco, California 94102 (telephone: 415-556-3592).

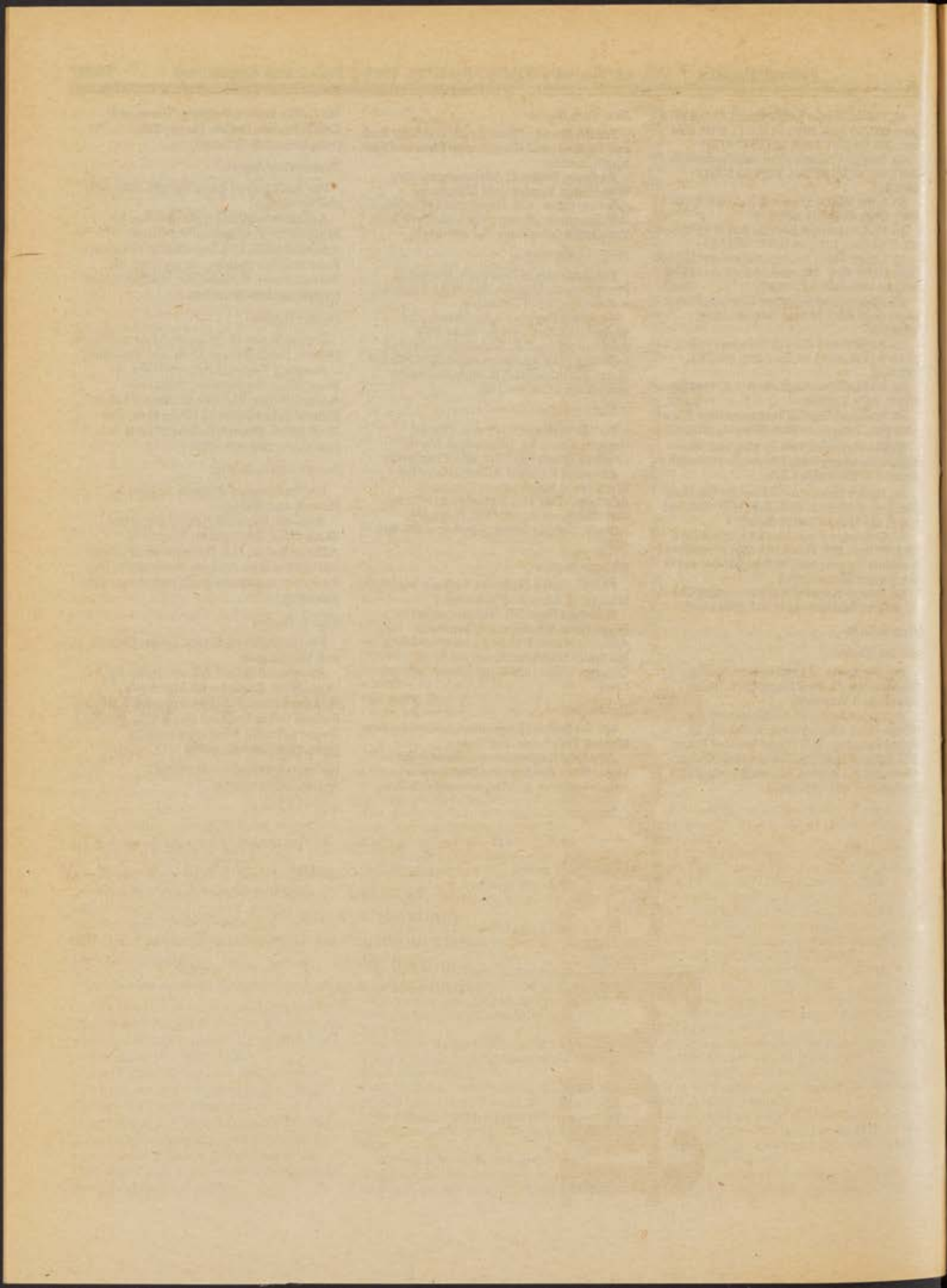
##### Seattle Region

For the States of Alaska, Idaho, Oregon, and Washington:

Assistant Regional Administrator for Wage-Hour, Employment Standards Administration, U.S. Department of Labor, Federal Office Building, Room 4141, 909 First Avenue, Seattle, Washington 98174 (telephone: 206-442-1916).

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# **Register**

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Friday  
April 29, 1983

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## **Part III**

## **Department of Labor**

Employment Standards Administration,  
Wage and Hour Division  
Office of the Secretary

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Labor Standards Provisions Applicable to  
Contracts Covering Federally Financed  
and Assisted Construction (Also Labor  
Standards Provisions Applicable to  
Nonconstruction Contracts Subject to the  
Contract Work Hours and Safety  
Standards Act)



## DEPARTMENT OF LABOR

Employment Standards  
Administration, Wage and Hour  
Division

## Office of the Secretary

## 29 CFR Part 5

Labor Standards Provisions Applicable  
to Contracts Covering Federally  
Financed and Assisted Construction  
(Also Labor Standards Provisions  
Applicable to Nonconstruction  
Contracts Subject to the Contract  
Work Hours and Safety Standards Act)

**AGENCY:** Wage and Hour Division,  
Employment Standards Administration,  
Labor.

**ACTION:** Implementation of final rule.

**SUMMARY:** This document provides for implementation of regulations, 29 CFR Part 5, Subpart A, previously published in the *Federal Register* on May 28, 1982 (47 FR 23658), on labor standards applicable to contracts for federally financed and assisted construction subject to the Davis-Bacon and Related Acts and contracts subject to the Contract Work Hours and Safety Standards Act (CWHSSA), to the extent that its implementation is permitted by the permanent injunction issued by the U.S. District Court for the District of Columbia on December 23, 1982. The enjoined provisions of the May 1982 final rule continue to be deferred.

**DATES:** Effective date: June 28, 1983. See **SUPPLEMENTARY INFORMATION** below for dates of applicability.

**FOR FURTHER INFORMATION CONTACT:** William M. Otter, Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue, NW., Washington, D.C. 20210. Telephone: 202-523-8305.

**SUPPLEMENTARY INFORMATION:** On August 14, 1981, a proposal was published in the *Federal Register* (46 FR 41456) to make revisions to Subpart A of Regulations, 29 CFR Part 5, Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (Also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act), allowing 60 days for public comment.

On May 28, 1982, the regulation was published in the *Federal Register* (47 FR 23658) as a final rule with a scheduled effective date of July 27, 1982. However, on June 11, 1982, a suit was filed against the Department of Labor in U.S. District

Court for the District of Columbia seeking to prevent the implementation of the revised regulations. On July 22, 1982, the Court issued a preliminary injunction enjoining the Department from implementing certain provisions of the revised regulations pending final disposition of the suit (*Building and Construction Trades Department, AFL-CIO, et al., v. Raymond J. Donovan, et al.*, 543 F. Supp. 1282). The Department published a notice in the *Federal Register* on July 26, 1982 (47 FR 32070), deferring the implementation of this regulation in its entirety until further notice.

On December 23, 1982, the Court issued a permanent injunction which, as modified by its order of January 17, 1983, enjoined §§ 5.2(n)(4) (helpers), 5.5(a)(1)(ii)(A) (helpers), 5.5(a)(4)(iv) (helpers), 5.5(a)(3)(ii) (Copeland Act requirements), and 5.6(a) (2) and (3) (Copeland Act requirements) of this regulation. The Department has appealed this ruling.

The document published today implements those provisions of the final rule published in the *Federal Register* on May 28, 1982 (47 FR 23658) which have not been enjoined by the court. The effective date of the enjoined provisions is deferred, by separate notice in today's *Federal Register*, pending final determination of the validity of those provisions. If the Department prevails on appeal, the deferred provisions (§§ 5.2(n)(4), 5.5(a)(1)(ii)(A), 5.5(a)(3) (ii) and (iii), 5.5(a)(4)(iv), and 5.6(a) (2) and (3)) will then be implemented.

As described more fully below, the court order necessitated corresponding deletions of sections or portions of sections in the text of the regulations now being implemented; in addition, since the court enjoined the new rule's elimination of the requirement for weekly submission of certified payrolls, that requirement from § 5.5(a)(3)(ii) of the previous regulations is incorporated in the text. To avoid confusion, the text of the entire rule as implemented at this time is set forth herein.

The following is a description of the changes made to the May 28, 1982 regulations in order to comport with the Court's decision and order, pending final disposition of the appeal.

*Sections 5.2(n)(4) and 5.5(a)(4)(iv)—  
Helpers.*

The enjoined definition of "helper" in § 5.2(n)(4), as well as the conditions governing the use of helpers contained in enjoined § 5.5(a)(4)(iv), are deleted from the text.

*Section 5.5(a)(1)(ii)(A)—Conformance  
Procedures.*

This section as enjoined provided that helper rates could be conformed without regard to the requirement applicable to all other conformance actions that the work to be performed by the conformed class is not work performed by a class already listed in the wage determination. The separate treatment of helpers in the conformance of wage rates has been deleted from the text.

*Sections 5.5(a)(3) (ii) and (iii) and 5.6(a)  
(2) and (3)—Submission of Wage  
Payment Information.*

These sections would have eliminated the requirement that contractors submit weekly a copy of payrolls and instead would have required only a weekly submission certifying compliance with the Davis-Bacon and Copeland Acts. The regulations would have required contractors to submit payrolls upon request of contracting agencies or the Department of Labor, but such requests would be made only in conjunction with specific compliance checks or enforcement actions. Because of the injunction, the weekly payroll submission requirement in the previous regulation has been added to the text, with language clarifying that copies of regular payrolls containing all of the required information (in any form desired by the contractor) are sufficient to satisfy the requirements. Furthermore, Optional Form WH-347 is available for the purpose of reporting payroll information if the contractor so chooses, but it is not mandatory that this form be used.

In addition to the textual changes described above, the following necessary changes have been made.

The definition of "construction" in § 5.2(j) is amended to delete the reference to "initial construction" contained in section 113 of Title 23, U.S.C., in order to comport with a legislative amendment effective on January 6, 1983, as part of the Surface Transportation Assistance Act of 1982, Pub. L. 97-424. (See also § 5.1(a) 12.)

An editorial change is made in the text of the conformance procedures contained in § 5.5(a)(1)(ii) (B) and (C) to clarify that the contracting officer must concur with a proposed classification and wage rate conformance action before submitting the matter to DOL for review or else it will be considered a dispute to be resolved by DOL, and to provide further that the contracting officer will be notified of the Wage and Hour Administrator's decision on all proposed conformance actions.



Section 5.15 is amended to include in paragraph (d)(4) the variation from the overtime requirements of the Contract Work Hours and Safety Standards Act for pilots and copilots of fixed-wing and rotary-wing aircraft employed on contracts for fire fighting or suppression and related services, which was published as a final rule in the *Federal Register* of July 2, 1982 (47 FR 28916).

Minor editorial changes and necessary typographical corrections have also been made in the following sections: Table of Contents at §§ 5.11; 5.1(a); 5.2(h); 5.2(j); 5.2(n); 5.5(a)(4); 5.7(d); 5.8(b); 5.11; and 5.12(d)(4).

The document being published today is not a major rule since it is simply a republication and implementation of provisions previously published. A full Final Regulatory Impact and Regulatory Flexibility Analysis was prepared in connection with the May 28, 1982 publication of the regulations and a summary was published therein. See 47 FR 23661. Because of the Court injunction, the alternatives selected cannot be fully implemented at this time.

As discussed above, this document is only a republication and implementation of regulations previously published for notice and comment to the extent implementation is permitted by the court's injunction. Other changes are only editorial in nature. Accordingly, additional notice and comment is impracticable, unnecessary and contrary to the public interest.

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.), the reporting and recordkeeping provisions included in this rule were submitted for approval to the Office of Management and Budget (OMB). Subsequent to the May 28 publication of this rule, the information collection requirements contained in this regulation (see §§ 5.5(a)(1)(ii), 5.5(a)(1)(iv), 5.5(a)(3)(i), 5.5(a)(3)(ii), 5.5(c), 5.15(d)(1), 5.15(d)(3), and 5.15(d)(4)) were approved by OMB under the provisions of 44 U.S.C. 3507 and have been assigned OMB Control Numbers 1215-0140, 1215-0149 and 1215-0017.

#### Dates of Applicability

The provisions of §§ 5.2 and 5.5 of this part shall be applicable only as to contracts entered into pursuant to invitations for bids issued or negotiations concluded on or after June 28, 1983.

This document was prepared under the direction and control of William M. Otter, Administrator, Wage and Hour Division, Employment Standards

Administration, U.S. Department of Labor.

#### List of Subjects in 29 CFR Part 5

Administrative practice and procedures, Government contracts, Investigations, Labor, Minimum wages, Penalties, Recordkeeping requirements, Reporting requirements, Wages.

Accordingly, 29 CFR Part 5, Subpart A, as issued on May 28, 1982 with the necessary textual changes discussed above is herein implemented, as fully set forth below.

Signed at Washington, D.C., on this 22d day of April 1983.

Raymond J. Donovan,  
Secretary of Labor.

Robert B. Collyer,  
Deputy Under Secretary for Employment Standards.

William M. Otter,  
Administrator, Wage and Hour Division

### PART 5—LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION (ALSO LABOR STANDARDS PROVISIONS APPLICABLE TO NONCONSTRUCTION CONTRACTS SUBJECT TO THE CONTRACT WORK HOURS AND SAFETY STANDARDS ACT)

#### Subpart A—Davis-Bacon and Related Acts Provisions and Procedures

Sec.

- 5.1 Purpose and scope.
- 5.2 Definitions.
- 5.3 [Reserved]
- 5.4 [Reserved]
- 5.5 Contract provisions and related matters.
- 5.6 Enforcement.
- 5.7 Reports to the Secretary of Labor.
- 5.8 Liquidated damages under the Contract Work Hours and Safety Standards Act.
- 5.9 Suspension of funds.
- 5.10 Restitution, criminal action.
- 5.11 Disputes concerning payment of wages.
- 5.12 Debarment proceedings.
- 5.13 Rulings and interpretations.
- 5.14 Variations, tolerances, and exemptions from Parts 1 and 3 of this subtitle and this part.
- 5.15 Limitations, variations, tolerances, and exemptions under the Contract Work Hours and Safety Standards Act.
- 5.16 Training plans approved or recognized by the Department of Labor prior to August 20, 1975.
- 5.17 Withdrawal of approval of a training program.

Authority: 40 U.S.C. 276a-276a-7; 40 U.S.C. 276c; 40 U.S.C. 327-332; Reorganization Plan No. 14 of 1950, 5 U.S.C. Appendix; 5 U.S.C. 301; and the statutes listed in section 5.1(a) of this part.

#### § 5.1 Purpose and scope.

(a) The regulations contained in this part are promulgated under the authority conferred upon the Secretary of Labor by Reorganization Plan No. 14 of 1950 and the Copeland Act in order to coordinate the administration and enforcement of the labor standards provisions of each of the following acts by the Federal agencies responsible for their administration and of such additional statutes as may from time to time confer upon the Secretary of Labor additional duties and responsibilities similar to those conferred upon the Secretary of Labor under Reorganization Plan No. 14 of 1950:

1. The Davis-Bacon Act (sec. 1-7, 46 Stat. 1949, as amended; Pub. L. 74-403, 40 U.S.C. 276a-276a-7).
2. Copeland Act (40 U.S.C. 276c).
3. The Contract Work Hours and Safety Standards Act (40 U.S.C. 327-332).
4. National Housing Act (sec. 212 added to c. 847, 48 Stat. 1246, by sec. 14, 53 Stat. 807; 12 U.S.C. 1715c and repeatedly amended).
5. Housing Act of 1950 (college housing) (amended by Housing Act of 1959 to add labor provisions, 73 Stat. 681; 12 U.S.C. 1749a(f)).
6. Housing Act of 1959 (sec. 401(f) of the Housing Act of 1950 as amended by Pub. L. 86-372, 73 Stat. 681; 12 U.S.C. 1701q(c)(3)).
7. Commercial Fisheries Research and Development Act of 1964 (sec. 7, 78 Stat. 199; 16 U.S.C. 779e(b)).
8. Library Services and Construction Act (sec. 7(a), 78 Stat. 13; 20 U.S.C. 355c(a)(4), as amended).
9. National Technical Institute for the Deaf Act (sec. 5(b)(5), 79 Stat. 126; 20 U.S.C. 684(b)(5)).
10. National Foundation on the Arts and Humanities Act of 1965 (sec. 5(k), 79 Stat. 846 as amended; 20 U.S.C. 954(j)).
11. Elementary and Secondary Education Act of 1965 as amended by Elementary and Secondary and other Education Amendments of 1969 (sec. 423 as added by Pub. L. 91-230, title IV, sec. 401(a)(10), 84 Stat. 169, and renumbered sec. 433, by Pub. L. 92-318; title III, sec. 301(a)(1), 86 Stat. 326; 20 U.S.C. 1232(b)). Under the amendment coverage is extended to all programs administered by the Commissioner of Education.
12. The Federal-Aid Highway Acts (72 Stat. 895, as amended by 82 Stat. 821; 23 U.S.C. 113, as amended by the Surface Transportation Assistance Act of 1982, Pub. L. 97-424).
13. Indian Self-Determination and Education Assistance Act (sec. 7, 86 Stat. 2205; 25 U.S.C. 450e).
14. Indian Health Care Improvement Act (sec. 303(b), 90 Stat. 1407; 25 U.S.C. 1633(b)).
15. Rehabilitation Act of 1973 (sec. 306(b)(5), 87 Stat. 384, 29 U.S.C. 776(b)(5)).
16. Comprehensive Employment and Training Act of 1973 (sec. 606, 87 Stat. 880, renumbered sec. 706 by 88 Stat. 1845; 29 U.S.C. 986; also sec. 604, 88 Stat. 1846; 29 U.S.C. 964(b)(3)).



17. State and Local Fiscal Assistance Act of 1972 (sec. 123(a)(6), 86 Stat. 933; 31 U.S.C. 1246(a)(6)).

18. Federal Water Pollution Control Act (sec. 513 of sec. 2, 86 Stat. 894; 33 U.S.C. 1372).

19. Veterans Nursing Home Care Act of 1964 (78 Stat. 502, as amended; 38 U.S.C. 5035(a)(8)).

20. Postal Reorganization Act (sec. 410(b)(4)(C); 84 Stat. 726 as amended; 39 U.S.C. 410(b)(4)(C)).

21. National Visitors Center Facilities Act of 1966 (sec. 110, 32 Stat. 45; 40 U.S.C. 808).

22. Appalachian Regional Development Act of 1965 (sec. 402, 79 Stat. 21; 40 U.S.C. App. 402).

23. Health Services Research, Health Statistics, and Medical Libraries Act of 1974 (sec. 107, see sec. 308(h)(2) thereof, 88 Stat. 370, as amended by 90 Stat. 378; 42 U.S.C. 242m(h)(2)).

24. Hospital Survey and Construction Act, as amended by the Hospital and Medical Facilities Amendments of 1964 (sec. 605(a)(5), 78 Stat. 453; 42 U.S.C. 291e(a)(5)).

25. Health Professions Educational Assistance Act (sec. 303(b), 90 Stat. 2254; 42 U.S.C. 293a(g)(1)(C); also sec. 308a, 90 Stat. 2258, 42 U.S.C. 293a(c)(7)).

26. Nurse Training Act of 1964 (sec. 941(a)(1)(C), 89 Stat. 384; 42 U.S.C. 296a(b)(5)).

27. Heart Disease, Cancer, and Stroke Amendments of 1965 (sec. 904, as added by sec. 2, 79 Stat. 928; 42 U.S.C. 299d(b)(4)).

28. Safe Drinking Water Act (sec. 2(a) see sec. 1450e thereof, 88 Stat. 1691; 42 U.S.C. 300j-9(e)).

29. National Health Planning and Resources Act (sec. 4, see sec. 1604(b)(1)(H), 88 Stat. 2261, 42 U.S.C. 3000-3(b)(1)(H)).

30. U.S. Housing Act of 1937, as amended and recodified (88 Stat. 667; 42 U.S.C. 1437j).

31. Demonstration Cities and Metropolitan Development Act of 1966 (secs. 110, 311, 503, 1003, 80 Stat. 1259, 1270, 1277, 1284; 42 U.S.C. 3310; 12 U.S.C. 1715c; 42 U.S.C. 1437j).

32. Slum clearance program: Housing Act of 1949 (sec. 109, 63 Stat. 419, as amended; 42 U.S.C. 1459).

33. Farm housing: Housing Act of 1964 (adds sec. 516(f) to Housing Act of 1949 by sec. 503, 78 Stat. 797; 42 U.S.C. 1486(f)).

34. Housing Act of 1961 (sec. 707, added by sec. 907, 79 Stat. 496, as amended; 42 U.S.C. 1500c-3).

35. Defense Housing and Community Facilities and Services Act of 1951 (sec. 310, 65 Stat. 307; 42 U.S.C. 1592i).

36. Special Health Revenue Sharing Act of 1975 (sec. 303, see sec. 222(a)(5) thereof, 89 Stat. 324; 42 U.S.C. 2689j(a)(5)).

37. Economic Opportunity Act of 1964 (sec. 607, 78 Stat. 532; 42 U.S.C. 2947).

38. Headstart, Economic Opportunity, and Community Partnership Act of 1974 (sec. 11, see sec. 811 thereof, 88 Stat. 2327; 42 U.S.C. 2992a).

39. Housing and Urban Development Act of 1965 (sec. 707, 79 Stat. 492 as amended; 42 U.S.C. 3107).

40. Older Americans Act of 1965 (sec. 502, Pub. L. 89-73, as amended by sec. 501, Pub. L. 93-29; 87 Stat. 50; 42 U.S.C. 3041a(a)(4)).

41. Public Works and Economic Development Act of 1965 (sec. 712; 79 Stat. 575 as amended; 42 U.S.C. 3222).

42. Juvenile Delinquency Prevention Act (sec. 1, 86 Stat. 536; 42 U.S.C. 3884).

43. New Communities Act of 1968 (sec. 410, 82 Stat. 516; 42 U.S.C. 3909).

44. Urban Growth and New Community Development Act of 1970 (sec. 727(f), 84 Stat. 1803; 42 U.S.C. 4529).

45. Domestic Volunteer Service Act of 1973 (sec. 406, 87 Stat. 410; 42 U.S.C. 5046).

46. Housing and Community Development Act of 1974 (secs. 110, 802(g), 88 Stat. 649, 724; 42 U.S.C. 5310, 1440(g)).

47. Developmentally Disabled Assistance and Bill of Rights Act (sec. 126(4), 89 Stat. 488; 42 U.S.C. 6042(4); title I, sec. 111, 89 Stat. 491; 42 U.S.C. 6063(b)(19)).

48. National Energy Conservation Policy Act (sec. 312, 92 Stat. 3254; 42 U.S.C. 6371j).

49. Public Works Employment Act of 1976 (sec. 109, 90 Stat. 1001; 42 U.S.C. 6708; also sec. 208, 90 Stat. 1008; 42 U.S.C. 6728).

50. Energy Conservation and Production Act (sec. 451(h), 90 Stat. 1168; 42 U.S.C. 6881(h)).

51. Solid Waste Disposal Act (sec. 2, 90 Stat. 2823; 42 U.S.C. 6979).

52. Rail Passenger Service Act of 1970 (sec. 405d, 84 Stat. 1337; 45 U.S.C. 565(d)).

53. Urban Mass Transportation Act of 1964 (sec. 10, 78 Stat. 307; renumbered sec. 13 by 88 Stat. 715; 49 U.S.C. 1609).

54. Highway Speed Ground Transportation Study (sec. 6(b), 79 Stat. 893; 49 U.S.C. 1636(b)).

55. Airport and Airway Development Act of 1970 (sec. 22(b), 84 Stat. 231; 49 U.S.C. 1722(b)).

56. Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281i).

57. National Capital Transportation Act of 1965 (sec. 3(b)(4), 79 Stat. 644; 40 U.S.C. 682(b)(4). Note.—Repealed December 9, 1969, and labor standards incorporated in sec. 1-1431 of the District of Columbia Code).

58. Model Secondary School for the Deaf Act (sec. 4, 80 Stat. 1027, Pub. L. 89-694, but not in the United States Code).

59. Delaware River Basin Compact (sec. 15.1, 75 Stat. 714, Pub. L. 87-328) (considered a statute for purposes of the plan but not in the United States Code).

60. Energy Security Act (sec. 175(c), Pub. L. 96-294, 94 Stat. 611; 42 U.S.C. 8701 note).

(b) Part 1 of this subtitle contains the Department's procedural rules governing requests for wage determinations and the issuance and use of such wage determinations under the Davis-Bacon Act and its related statutes as listed in that part.

## **§ 5.2 Definitions.**

(a) The term "Secretary" includes the Secretary of Labor, the Deputy Under Secretary for Employment Standards, and their authorized representatives.

(b) The term "Administrator" means the Administrator of the Wage and Hour Division or the authorized representative as set forth in this part. In the absence of the Wage-Hour Administrator, the Deputy Administrator of the Wage and Hour Division, is designated to act for the

Administrator under this Part. Except as otherwise provided in this Part, the Assistant Administrator for Government Contract Wage Standards is the authorized representative of the Administrator in the administration of the statutes listed in § 5.1.

(c) The term "Federal agency" means the agency or instrumentality of the United States which enters into the contract or provides assistance through loan, grant, loan guarantee or insurance, or otherwise, to the project subject to a statute listed in § 5.1.

(d) The term "Agency Head" means the principal official of the Federal agency and includes those persons duly authorized to act in the behalf of the Agency Head.

(e) The term "Contracting Officer" means the individual, a duly appointed successor, or authorized representative who is designated and authorized to enter into contracts on behalf of the Federal agency.

(f) The term "labor standards" as used in this part means the requirements of the Davis-Bacon Act, the Contract Work Hours and Safety Standards Act (other than those relating to safety and health), the Copeland Act, and the prevailing wage provisions of the other statutes listed in § 5.1, and the regulations in Parts 1 and 3 of this subtitle and this part.

(g) The term "United States or the District of Columbia" means the United States, the District of Columbia, and all executive departments, independent establishments, administrative agencies, and instrumentalities of the United States and of the District of Columbia, including corporations, all or substantially all of the stock of which is beneficially owned by the United States, by the foregoing departments, establishments, agencies, instrumentalities, and including nonappropriated fund instrumentalities.

(h) The term "contract" means any prime contract which is subject wholly or in part to the labor standards provisions of any of the acts listed in § 5.1 and any subcontract of any tier thereunder, let under the prime contract. A State or local Government is not regarded as a contractor under statutes providing loans, grants, or other Federal assistance in situations where construction is performed by its own employees. However, under statutes requiring payment of prevailing wages to all laborers and mechanics employed on the assisted project, such as the U.S. Housing Act of 1937, State and local recipients of Federal-aid must pay these employees according to Davis-Bacon labor standards.



(i) The terms "building" or "work" generally include construction activity as distinguished from manufacturing, furnishing of materials, or servicing and maintenance work. The terms include without limitation, buildings, structures, and improvements of all types, such as bridges, dams, plants, highways, parkways, streets, subways, tunnels, sewers, mains, power lines, pumping stations, heavy generators, railways, airports, terminals, docks, piers, wharves, ways, lighthouses, buoys, jetties, breakwaters, levees, canals, dredging, shoring, rehabilitation and reactivation of plants, scaffolding, drilling, blasting, excavating, clearing, and landscaping. The manufacture or furnishing of materials, articles, supplies or equipment (whether or not a Federal or State agency acquires title to such materials, articles, supplies, or equipment during the course of the manufacture or furnishing, or owns the materials from which they are manufactured or furnished) is not a "building" or "work" within the meaning of the regulations in this part unless conducted in connection with and at the site of such a building or work as is described in the foregoing sentence, or under the United States Housing Act of 1937 and the Housing Act of 1949 in the construction or development of the project.

(j) The terms "construction", "prosecution", "completion", or "repair" mean all types of work done on a particular building or work at the site thereof (or, under the United States Housing Act of 1937 and the Housing Act of 1949), all work done in the construction or development of the project, including without limitation, altering, remodeling, installation (where appropriate) on the site of the work of items fabricated off-site, painting and decorating, the transporting of materials and supplies to or from the building or work by the employees of the construction contractor or construction subcontractor, and the manufacturing or furnishing of materials, articles, supplies or equipment on the site of the building or work (or, under the United States Housing Act of 1937 and the Housing Act of 1949 in the construction or development of the project), by persons employed by the contractor or subcontractor.

(k) The term "public building" or "public work" includes building or work, the construction, prosecution, completion, or repair of which, as defined above, is carried on directly by authority of or with funds of a Federal agency to serve the interest of the

general public regardless of whether title thereof is in a Federal agency.

(l) The term "site of the work" is defined as follows:

(1) The "site of the work" is limited to the physical place or places where the construction called for in the contract will remain when work on it has been completed and, as discussed in paragraph (l)(2) of this section, other adjacent or nearby property used by the contractor or subcontractor in such construction which can reasonably be said to be included in the "site".

(2) Except as provided in paragraph (l)(3) of this section, fabrication plants, mobile factories, batch plants, borrow pits, job headquarters, tool yards, etc., are part of the "site of the work" provided they are dedicated exclusively, or nearly so, to performance of the contract or project, and are so located in proximity to the actual construction location that it would be reasonable to include them.

(3) Not included in the "site of the work" are permanent home offices, branch plant establishments, fabrication plants, and tool yards of a contractor or subcontractor whose locations and continuance in operation are determined wholly without regard to a particular Federal or federally assisted contract or project. In addition, fabrication plants, batch plants, borrow pits, job headquarters, tool yards, etc., of a commercial supplier or materialman which are established by a supplier of materials for the project before opening of bids and not on the project site, are not included in the "site of the work". Such permanent, previously established facilities are not a part of the "site of the work", even where the operations for a period of time may be dedicated exclusively, or nearly so, to the performance of a contract.

(m) The term "laborer" or "mechanic" includes at least those workers whose duties are manual or physical in nature (including those workers who use tools or who are performing the work of a trade), as distinguished from mental or managerial. The term "laborer" or "mechanic" includes apprentices, trainees, helpers, and, in the case of contracts subject to the Contract Work Hours and Safety Standards Act, watchmen or guards. The term does not apply to workers whose duties are primarily administrative, executive, or clerical, rather than manual. Persons employed in a bona fide executive, administrative, or professional capacity as defined in Part 541 of this title are not deemed to be laborers or mechanics. Working foremen who devote more than 20 percent of their time during a

workweek to mechanic or laborer duties, and who do not meet the criteria of Part 541, are laborers and mechanics for the time so spent.

(n) The terms apprentice and trainee are defined as follows:

(1) "Apprentice" means (i) a person employed and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Bureau of Apprenticeship and Training, or with a State Apprenticeship Agency recognized by the Bureau, or (ii) a person in the first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Bureau of Apprenticeship and Training or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice;

(2) "Trainee" means a person registered and receiving on-the-job training in a construction occupation under a program which has been approved in advance by the U.S. Department of Labor, Employment and Training Administration, as meeting its standards for on-the-job training programs and which has been so certified by that Administration.

(3) These provisions do not apply to "apprentices" and "trainees" employed on projects subject to 23 U.S.C. 113 who are enrolled in programs which have been certified by the Secretary of Transportation in accordance with 23 U.S.C. 113(c).

(o) Every person performing the duties of a laborer or mechanic in the construction, prosecution, completion, or repair of a public building or public work, or building or work financed in whole or in part by loans, grants, or guarantees from the United States is "employed" regardless of any contractual relationship alleged to exist between the contractor and such person.

(p) The term "wages" means the basic hourly rate of pay; any contribution irrevocably made by a contractor or subcontractor to a trustee or to a third person pursuant to a bona fide fringe benefit fund, plan, or program; and the rate of costs to the contractor or subcontractor which may be reasonably anticipated in providing bona fide fringe benefits to laborers and mechanics pursuant to an enforceable commitment to carry out a financially responsible plan of program, which was communicated in writing to the laborers and mechanics affected. The fringe benefits enumerated in the Davis-Bacon



Act include medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing: unemployment benefits; life insurance, disability insurance, sickness insurance, or accident insurance; vacation or holiday pay; defraying costs of apprenticeship or other similar programs; or other bona fide fringe benefits. Fringe benefits do not include benefits required by other Federal, State, or local law.

(q) The term "wage determination" includes the original decision and any subsequent decisions modifying, superseding, correcting, or otherwise changing the provisions of the original decision. The application of the wage determination shall be in accordance with the provisions of § 1.6 of this title.

#### §§ 5.3-5.4 [Reserved]

#### § 5.5 Contract provisions and related matters.

(a) The Agency head shall cause or require the contracting officer to insert in full in any contract in excess of \$2,000 which is entered into for the actual construction, alteration and/or repair, including painting and decorating, of a public building or public work, or building or work financed in whole or in part from Federal funds or in accordance with guarantees of a Federal agency or financed from funds obtained by pledge of any contract of a Federal agency to make a loan, grant or annual contribution (except where a different meaning is expressly indicated), and which is subject to the labor standards provisions of any of the acts listed in § 5.1, the following clauses (or any modifications thereof to meet the particular needs of the agency, *Provided*, That such modifications are first approved by the Department of Labor):

(1) *Minimum wages.* (i) All laborers and mechanics employed or working upon the site of the work (or under the United States Housing Act of 1937 or under the Housing Act of 1949 in the construction or development of the project), will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR Part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor

which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics. Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of paragraph (a)(1)(iv) of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in § 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: *Provided*, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under paragraph (a)(1)(ii) of this section) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

(ii)(A) The contracting officer shall require that any class of laborers or mechanics which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The contracting officer shall approve an additional classification and wage rate and fringe benefits therefor only when the following criteria have been met:

(1) The work to be performed by the classification requested is not performed by a classification in the wage determination; and

(2) The classification is utilized in the area by the construction industry; and

(3) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(B) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their

representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the contracting officer to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, D.C. 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary. (Approved by the Office of Management and Budget under OMB control number 1215-0140.)

(C) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Administrator for determination. The Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary. (Approved by the Office of Management and Budget under OMB control number 1215-0140.)

(D) The wage rate (including fringe benefits where appropriate) determined pursuant to subparagraphs (1)(B) or (C) of this paragraph, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

(iii) Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

(iv) If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program, *Provided*, That the Secretary of



Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program. (Approved by the Office of Management and Budget under OMB control number 1215-0140.)

(2) *Withholding.* The (write in name of Federal Agency or the loan or grant recipient) shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld from the contractor under this contract or any other Federal contract with the same prime contractor, or any other Federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work (or under the United States Housing Act of 1937 or under the Housing Act of 1949 in the construction or development of the project), all or part of the wages required by the contract, the (Agency) may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

(3) *Payrolls and basic records.* (i) Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work (or under the United States Housing Act of 1937, or under the Housing Act of 1949, in the construction or development of the project). Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of

any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs. (Approved by the Office of Management and Budget under OMB control numbers 1215-0140 and 1215-0017.)

(ii)(A) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to the (write in name of appropriate Federal agency) if the agency is a party to the contract, but if the agency is not such a party, the contractor will submit the payrolls to the applicant, sponsor, or owner, as the case may be, for transmission to the (write in name of agency). The payrolls submitted shall set out accurately and completely all of the information required to be maintained under § 5.5(a)(3)(i) of Regulations, 29 CFR Part 5. This information may be submitted in any form desired. Optional Form WH-347 is available for this purpose and may be purchased from the Superintendent of Documents (Federal Stock Number 029-005-00014-1), U.S. Government Printing Office, Washington, D.C. 20402. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. (Approved by the Office of Management and Budget under OMB control number 1215-0149.)

(B) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(1) That the payroll for the payroll period contains the information required to be maintained under § 5.5(a)(3)(i) of Regulations, 29 CFR Part 5 and that such information is correct and complete;

(2) That each laborer or mechanic (including each helper, apprentice, and

trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in Regulations, 29 CFR Part 3;

(3) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

(C) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph (a)(3)(ii)(B) of this section.

(D) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under Section 1001 of Title 18 and Section 231 of Title 31 of the United States Code.

(iii) The contractor or subcontractor shall make the records required under paragraph (a)(3)(i) of this section available for inspection, copying, or transcription by authorized representatives of the (write the name of the agency) or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the Federal agency may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

(4) *Apprentices and Trainees—(i) Apprentices.* Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Bureau of Apprenticeship and Training, or with a State Apprenticeship Agency recognized by the Bureau, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship



program, who is not individually registered in the program, but who has been certified by the Bureau of Apprenticeship and Training or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice. The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed. Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination. In the event the Bureau of Apprenticeship and Training, or a State Apprenticeship Agency recognized by the Bureau, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(ii) *Trainees.* Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program

which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration. The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration. Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(iii) *Equal employment opportunity.* The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR Part 30.

(5) *Compliance with Copeland Act requirements.* The contractor shall comply with the requirements of 29 CFR Part 3, which are incorporated by reference in this contract.

(6) *Subcontracts.* The contractor or subcontractor shall insert in any subcontracts the clauses contained in 29 CFR 5.5(a) (1) through (10) and such other clauses as the (write in the name of the Federal agency) may by appropriate instructions require, and

also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in 29 CFR 5.5.

(7) *Contract termination; debarment.* A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

(8) *Compliance with Davis-Bacon and Related Act requirements.* All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR Parts 1, 3, and 5 are herein incorporated by reference in this contract.

(9) *Disputes concerning labor standards.* Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR Parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.

(10) *Certification of Eligibility.* (i) By entering into this contract, the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

(ii) No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

(iii) The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

(b) *Contract Work Hours and Safety Standards Act.* The Agency Head shall cause or require the contracting officer to insert the following clauses set forth in paragraphs (b)(1), (2), (3), and (4) of this section in full in any contract subject to the overtime provisions of the Contract Work Hours and Safety Standards Act. These clauses shall be inserted in addition to the clauses required by § 5.5(a) or § 4.6 of Part 4 of this title. As used in this paragraph, the terms "laborers" and "mechanics" include watchmen and guards.

(1) *Overtime requirements.* No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment



of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of eight hours in any calendar day or in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of eight hours in any calendar day or in excess of forty hours in such workweek, whichever is greater.

(2) *Violation; liability for unpaid wages; liquidated damages.* In the event of any violation of the clause set forth in subparagraph (1) of this paragraph, the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in subparagraph (1) of this paragraph, in the sum of \$10 for each calendar day or which such individual was required or permitted to work in excess of eight hours or in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in subparagraph (1) of this paragraph.

(3) *Withholding for unpaid wages and liquidated damages.* The (write in the name of the Federal agency or the loan or grant recipient) shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other Federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in subparagraph (2) of this paragraph.

(4) *Subcontracts.* The contractor or subcontractor shall insert in any subcontracts the clauses set forth in subparagraph (1) through (4) of this paragraph and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts.

The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in subparagraphs (1) through (4) of this paragraph.

(c) In addition to the clauses contained in paragraph (b), in any contract subject only to the Contract Work Hours and Safety Standards Act and not to any of the other statutes cited in § 5.1, the Agency Head shall cause or require the contracting officer to insert a clause requiring that the contractor or subcontractor shall maintain payrolls and basic payroll records during the course of the work and shall preserve them for a period of three years from the completion of the contract for all laborers and mechanics, including guards and watchmen, working on the contract. Such records shall contain the name and address of each such employee, social security number, correct classifications, hourly rates of wages paid, daily and weekly number of hours worked, deductions made, and actual wages paid. Further, the Agency Head shall cause or require the contracting officer to insert in any such contract a clause providing that the records to be maintained under this paragraph shall be made available by the contractor or subcontractor for inspection, copying, or transcription by authorized representatives of the (write the name of agency) and the Department of Labor, and the contractor or subcontractor will permit such representatives to interview employees during working hours on the job. (Approved by the Office of Management and Budget under OMB control numbers 1215-0140 and 1215-0017.)

#### § 5.6 Enforcement.

(a)(1) It shall be the responsibility of the Federal agency to ascertain whether the clauses required by § 5.5 have been inserted in the contracts subject to the labor standards provisions of the Acts contained in § 5.1. Agencies which do not directly enter into such contracts shall promulgate the necessary regulations or procedures to require the recipient of the Federal assistance to insert in its contracts the provisions of § 5.5. No payment, advance, grant, loan, or guarantee of funds shall be approved by the Federal agency unless the agency insures that the clauses required by § 5.5 and the appropriate wage determination of the Secretary of Labor are contained in such contracts. Furthermore, no payment, advance, grant, loan, or guarantee of funds shall be approved by the Federal agency after the beginning of construction unless there is on file with the agency a certification by the

contractor that the contractor and its subcontractors have complied with the provisions of § 5.5 or unless there is on file with the agency a certification by the contractor that there is a substantial dispute with respect to the required provisions.

(2) Payrolls and Statements of Compliance submitted pursuant to § 5.5(a)(3)(ii) shall be preserved by the Federal agency for a period of 3 years from the date of completion of the contract and shall be produced at the request of the Department of Labor at any time during the 3-year period.

(3) The Federal agency shall cause such investigations to be made as may be necessary to assure compliance with the labor standards clauses required by § 5.5 and the applicable statutes listed in § 5.1. Investigations shall be made of all contracts with such frequency as may be necessary to assure compliance. Such investigations shall include interviews with employees, which shall be taken in confidence, and examinations of payroll data and evidence of registration and certification with respect to apprenticeship and training plans. In making such examinations, particular care shall be taken to determine the correctness of classifications and to determine whether there is a disproportionate employment of laborers and of apprentices or trainees registered in approved programs. Such investigations shall also include evidence of fringe benefit plans and payments thereunder. Complaints of alleged violations shall be given priority.

(4) In accordance with normal operating procedures, the contracting agency may be furnished various investigatory material from the investigation files of the Department of Labor. None of the material, other than computations of back wages and liquidated damages and the summary of back wages due, may be disclosed in any manner to anyone other than Federal officials charged with administering the contract or program providing Federal assistance to the contract, without requesting the permission and views of the Department of Labor.

(5) It is the policy of the Department of Labor to protect the identity of its confidential sources and to prevent an unwarranted invasion of personal privacy. Accordingly, the identity of an employee who makes a written or oral statement as a complaint or in the course of an investigation, as well as portions of the statement which would reveal the employee's identity, shall not be disclosed in any manner to anyone



other than Federal officials without the prior consent of the employee. Disclosure of employee statements shall be governed by the provisions of the "Freedom of Information Act" (5 U.S.C. 552, see 29 CFR Part 70) and the "Privacy Act of 1974" (5 U.S.C. 552a).

(b) The Administrator shall cause to be made such investigations as deemed necessary, in order to obtain compliance with the labor standards provisions of the applicable statutes listed in § 5.1, or to affirm or reject the recommendations by the Agency Head with respect to labor standards matters arising under the statutes listed in § 5.1. Federal agencies, contractors, subcontractors, sponsors, applicants, or owners shall cooperate with any authorized representative of the Department of Labor in the inspection of records, in interviews with workers, and in all other aspects of the investigations. The findings of such an investigation, including amounts found due, may not be altered or reduced without the approval of the Department of Labor. Where the underpayments disclosed by such an investigation total \$1,000 or more, where there is reason to believe that the violations are aggravated or willful (or, in the case of the Davis-Bacon Act, that the contractor has disregarded its obligations to employees and subcontractors), or where liquidated damages may be assessed under the Contract Work Hours and Safety Standards Act, the Department of Labor will furnish the Federal agency an enforcement report detailing the labor standards violations disclosed by the investigation and any action taken by the contractor to correct the violative practices, including any payment of back wages. In other circumstances, the Federal agency will be furnished a letter of notification summarizing the findings of the investigation.

#### § 5.7 Reports to the Secretary of Labor.

(a) *Enforcement reports.* (1) Where underpayments by a contractor or subcontractor total less than \$1,000, and where there is no reason to believe that the violations are aggravated or willful (or, in the case of the Davis-Bacon Act that the contractor has disregarded its obligations to employees and subcontractors), and where restitution has been effected and future compliance assured, the Federal agency need not submit its investigative findings and recommendations to the Administrator, unless the investigation was made at the request of the Department of Labor. In the latter case, the Federal agency shall submit a factual summary report detailing any violations including any data on the amount of restitution paid,

the number of workers who received restitution, liquidated damages assessed under the Contract Work Hours and Safety Standards Act, corrective measures taken (such as "letters of notice"), and any information that may be necessary to review any recommendations for an appropriate adjustment in liquidated damages under § 5.8.

(2) Where underpayments by a contractor or subcontractor total \$1,000 or more, or where there is reason to believe that the violations are aggravated or willful (or, in the case of the Davis-Bacon Act, that the contractor has disregarded its obligations to employees and subcontractors), the Federal agency shall furnish within 60 days after completion of its investigation, a detailed enforcement report to the Administrator.

(b) *Semi-annual enforcement reports.* To assist the Secretary in fulfilling the responsibilities under Reorganization Plan No. 14 of 1950, Federal agencies shall furnish to the Administrator by April 30 and October 31 of each calendar year semi-annual reports on compliance with and enforcement of the labor standards provisions of the Davis-Bacon Act and its related acts covering the periods of October 1 through March 31 and April 1 through September 30, respectively. Such reports shall be prepared in the manner prescribed in memoranda issued to Federal agencies by the Administrator. This report has been cleared in accordance with FPMR 101-11.11 and assigned interagency report control number 1482-DOL-SA.

(c) *Additional information.* Upon request, the Agency Head shall transmit to the Administrator such information available to the Agency with respect to contractors and subcontractors, their contracts, and the nature of the contract work as the Administrator may find necessary for the performance of his or her duties with respect to the labor standards provisions referred to in this part.

(d) *Contract termination.* Where a contract is terminated by reason of violations of the labor standards provisions of the statutes listed in § 5.1, a report shall be submitted promptly to the Administrator and to the Comptroller General (if the contract is subject to the Davis-Bacon Act), giving the name and address of the contractor or subcontractor whose right to proceed has been terminated, and the name and address of the contractor or subcontractor, if any, who is to complete the work, the amount and number of the contract, and the description of the work to be performed.

#### § 5.8 Liquidated damages under the Contract Work Hours and Safety Standards Act.

(a) The Contract Work Hours and Safety Standards Act requires that laborers or mechanics shall be paid wages at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of eight hours in any calendar day or forty hours in any workweek. In the event of violation of this provision, the contractor and any subcontractor shall be liable for the unpaid wages and in addition for liquidated damages, computed with respect to each laborer or mechanic employed in violation of the Act in the amount of \$10 for each calendar day or workweek in which such individual was required or permitted to work without payment of required overtime wages. Any contractor or subcontractor aggrieved by the withholding of liquidated damages shall have the right to appeal to the head of the agency of the United States (or the territory or District of Columbia, as appropriate) for which the contract work was performed or for which financial assistance was provided.

(b) *Findings and recommendations of the Agency Head.* The Agency Head has the authority to review the administrative determination of liquidated damages and to issue a final order affirming the determination. It is not necessary to seek the concurrence of the Administrator but the Administrator shall be advised of the action taken. Whenever the Agency Head finds that a sum of liquidated damages administratively determined to be due is incorrect or that the contractor or subcontractor violated inadvertently the provisions of the Act notwithstanding the exercise of due care upon the part of the contractor or subcontractor involved, and the amount of the liquidated damages computed for the contract is in excess of \$500, the Agency Head may make recommendations to the Secretary that an appropriate adjustment in liquidated damages be made or that the contractor or subcontractor be relieved of liability for such liquidated damages. Such findings with respect to liquidated damages shall include findings with respect to any wage underpayments for which the liquidated damages are determined.

(c) The recommendations of the Agency Head for adjustment or relief from liquidated damages under paragraph (a) of this section shall be reviewed by the Administrator or an authorized representative who shall issue an order concurring in the



recommendations, partially concurring in the recommendations, or rejecting the recommendations, and the reasons therefor. The order shall be the final decision of the Department of Labor, unless a petition for review is filed pursuant to Part 7 of this title, and the Wage Appeals Board in its discretion reviews such decision and order; or, with respect to contracts subject to the Service Contract Act, unless petition for review is filed pursuant to Part 8 of this title, and the Board of Service Contract Appeals in its discretion reviews such decision and order.

(d) Whenever the Agency Head finds that a sum of liquidated damages administratively determined to be due under section 104(a) of the Contract Work Hours and Safety Standards Act for a contract is \$500 or less and the Agency Head finds that the sum of liquidated damages is incorrect or that the contractor or subcontractor violated inadvertently the provisions of the Contract Work Hours and Safety Standards Act notwithstanding the exercise of due care upon the part of the contractor or subcontractor involved, an appropriate adjustment may be made in such liquidated damages or the contractor or subcontractor may be relieved of liability for such liquidated damages without submitting recommendations to this effect or a report to the Department of Labor. This delegation of authority is made under section 105 of the Contract Work Hours and Safety Standards Act and has been found to be necessary and proper in the public interest to prevent undue hardship and to avoid serious impairment of the conduct of Government business.

#### § 5.9 Suspension of funds.

In the event of failure or refusal of the contractor or any subcontractor to comply with the labor standards clauses contained in § 5.5 and the applicable statutes listed in § 5.1, the Federal agency, upon its own action or upon written request of an authorized representative of the Department of Labor, shall take such action as may be necessary to cause the suspension of the payment, advance or guarantee of funds until such time as the violations are discontinued or until sufficient funds are withheld to compensate employees for the wages to which they are entitled and to cover any liquidated damages which may be due.

#### § 5.10 Restitution, criminal action.

(a) In cases other than those forwarded to the Attorney General of the United States under paragraph (b), of this section, where violations of the

labor standards clauses contained in § 5.5 and the applicable statutes listed in § 5.1 result in underpayment of wages to employees, the Federal agency or an authorized representative of the Department of Labor shall request that restitution be made to such employees or on their behalf to plans, funds, or programs for any type of bona fide fringe benefits within the meaning of section 1(b)(2) of the Davis-Bacon Act.

(b) In cases where the Agency Head or the Administrator finds substantial evidence that such violations are willful and in violation of a criminal statute, the matter shall be forwarded to the Attorney General of the United States for prosecution if the facts warrant. In all such cases the Administrator shall be informed simultaneously of the action taken.

#### § 5.11 Disputes concerning payment of wages.

(a) This section sets forth the procedure for resolution of disputes of fact or law concerning payment of prevailing wage rates, overtime pay, or proper classification. The procedures in this section may be initiated upon the Administrator's own motion, upon referral of the dispute by a Federal agency pursuant to § 5.5(a)(9), or upon request of the contractor or subcontractor(s).

(b)(1) In the event of a dispute described in paragraph (a) of this section in which it appears that relevant facts are at issue, the Administrator will notify the affected contractor and subcontractor(s) (if any), by registered or certified mail to the last known address, of the investigation findings. If the Administrator determines that there is reasonable cause to believe that the contractor and/or subcontractor(s) should also be subject to debarment under the Davis-Bacon Act or § 5.12(a)(1), the letter will so indicate.

(2) A contractor and/or subcontractor desiring a hearing concerning the Administrator's investigative findings shall request such a hearing by letter postmarked within 30 days of the date of the Administrator's letter. The request shall set forth those findings which are in dispute and the reasons therefor, including any affirmative defenses, with respect to the violations and/or debarment, as appropriate.

(3) Upon receipt of a timely request for a hearing, the Administrator shall refer the case to the Chief Administrative Law Judge by Order of Reference, to which shall be attached a copy of the letter from the Administrator and response thereto, for designation of an Administrative Law Judge to conduct such hearings as may be necessary to

resolve the disputed matters. The hearing shall be conducted in accordance with the procedures set forth in 29 CFR Part 6.

(c)(1) In the event of a dispute described in paragraph (a) of this section in which it appears that there are no relevant facts at issue, and where there is not at that time reasonable cause to institute debarment proceedings under § 5.12, the Administrator shall notify the contractor and subcontractor(s) (if any), by registered or certified mail to the last known address, of the investigation findings, and shall issue a ruling on any issues of law known to be in dispute.

(2)(i) If the contractor and/or subcontractor(s) disagree with the factual findings of the Administrator or believe that there are relevant facts in dispute, the contractor or subcontractor(s) shall so advise the Administrator by letter postmarked within 30 days of the date of the Administrator's letter. In the response, the contractor and/or subcontractor(s) shall explain in detail the facts alleged to be in dispute and attach any supporting documentation.

(ii) Upon receipt of a response under paragraph (c)(2)(i) of this section alleging the existence of a factual dispute, the Administrator shall examine the information submitted. If the Administrator determines that there is a relevant issue of fact, the Administrator shall refer the case to the Chief Administrative Law Judge in accordance with paragraph (b)(3) of this section. If the Administrator determines that there is no relevant issue of fact, the Administrator shall so rule and advise the contractor and subcontractor(s) (if any) accordingly.

(3) If the contractor and/or subcontractor(s) desire review of the ruling issued by the Administrator under paragraph (c)(1) or (2) of this section, the contractor and/or subcontractor(s) shall file a petition for review thereof with the Wage Appeals Board within 30 days of the date of the ruling, with a copy thereof of the Administrator. The petition for review shall be filed in accordance with Part 7 of this title.

(d) If a timely response to the Administrator's findings or ruling is not made or a timely petition for review is not filed, the Administrator's findings and/or ruling shall be final, except that with respect to debarment under the Davis-Bacon Act, the Administrator shall advise the Comptroller General of the Administrator's recommendation in accordance with § 5.12(a)(1). If a timely response or petition for review is filed, the findings and/or ruling of the



Administrator shall be inoperative unless and until the decision is upheld by the Administrative Law Judge or the Wage Appeals Board.

#### § 5.12 Debarment proceedings.

(a)(1) Whenever any contractor or subcontractor is found by the Secretary of Labor to be in aggravated or willful violation of the labor standards provisions of any of the applicable statutes listed in § 5.1 other than the Davis-Bacon Act, such contractor or subcontractor or any firm, corporation, partnership, or association in which such contractor or subcontractor has a substantial interest shall be ineligible for a period not to exceed 3 years (from the date of publication by the Comptroller General of the name or names of said contractor or subcontractor on the ineligible list as provided below) to receive any contracts or subcontracts subject to any of the statutes listed in § 5.1.

(2) In cases arising under contracts covered by the Davis-Bacon Act, the Administrator shall transmit to the Comptroller General the names of the contractors or subcontractors and their responsible officers, if any (and any firms in which the contractors or subcontractors are known to have an interest), who have been found to have disregarded their obligations to employees, and the recommendation of the Secretary of Labor or authorized representative regarding debarment. The Comptroller General will distribute a list to all Federal agencies giving the names of such ineligible person or firms, who shall be ineligible to be awarded any contract or subcontract of the United States or the District of Columbia and any contract or subcontract subject to the labor standards provisions of the statutes listed in § 5.1.

(b)(1) In addition to cases under which debarment action is initiated pursuant to § 5.11, whenever as a result of an investigation conducted by the Federal agency or the Department of Labor, and where the Administrator finds reasonable cause to believe that a contractor or subcontractor has committed willful or aggravated violations of the labor standards provisions of any of the statutes listed in § 5.1 (other than the Davis-Bacon Act), or has committed violations of the Davis-Bacon Act which constitute a disregard of its obligations to employees or subcontractors under section 3(a) thereof, the Administrator shall notify by registered or certified mail to the last known address, the contractor or subcontractor and its responsible officers, if any (and any firms in which the contractor or subcontractor are

known to have a substantial interest), of the finding. The Administrator shall afford such contractor or subcontractor and any other parties notified an opportunity for a hearing as to whether debarment action should be taken under paragraph (a)(1) of this section or section 3(a) of the Davis-Bacon Act. The Administrator shall furnish to those notified a summary of the investigative findings. If the contractor or subcontractor or any other parties notified wish to request a hearing as to whether debarment action should be taken, such a request shall be made by letter postmarked within 30 days of the date of the letter from the Administrator, and shall set forth any findings which are in dispute and the reasons therefor, including any affirmative defenses to be raised. Upon receipt of such request for a hearing, the Administrator shall refer the case to the Chief Administrative Law Judge by Order of Reference, to which shall be attached a copy of the letter from the Administrator and the response thereto, for designation of an Administrative Law Judge to conduct such hearings as may be necessary to determine the matters in dispute. In considering debarment under any of the statutes listed in § 5.1 other than the Davis-Bacon Act, the Administrative Law Judge shall issue an order concerning whether the contractor or subcontractor is to be debarred in accordance with paragraph (a)(1) of this section. In considering debarment under the Davis-Bacon Act, the Administrative Law Judge shall issue a recommendation as to whether the contractor or subcontractor should be debarred under section 3(a) of the Act.

(2) Hearings under this section shall be conducted in accordance with 29 CFR Part 6. If no hearing is requested within 30 days of receipt of the letter from the Administrator, the Administrator's findings shall be final, except with respect to recommendations regarding debarment under the Davis-Bacon Act, as set forth in paragraph (a)(2) of this section.

(c) Any person or firm debarred under § 5.12(a)(1) may in writing request removal from the debarment list after six months from the date of publication by the Comptroller General of such person or firm's name on the ineligible list. Such a request should be directed to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, D.C. 20210, and shall contain a full explanation of the reasons why such person or firm should be removed from the ineligible list. In cases where the contractor or

subcontractor failed to make full restitution to all underpaid employees, a request for removal will not be considered until such underpayments are made. In all other cases, the Administrator will examine the facts and circumstances surrounding the violative practices which caused the debarment, and issue a decision as to whether or not such person or firm has demonstrated a current responsibility to comply with the labor standards provisions of the statutes listed in § 5.1, and therefore should be removed from the ineligible list. Among the factors to be considered in reaching such a decision are the severity of the violations, the contractor or subcontractor's attitude towards compliance, and the past compliance history of the firm. In no case will such removal be effected unless the Administrator determines after an investigation that such person or firm is in compliance with the labor standards provisions applicable to Federal contracts and Federally assisted construction work subject to any of the applicable statutes listed in § 5.1 and other labor statutes providing wage protection, such as the Service Contract Act, the Walsh-Healey Public Contracts Act, and the Fair Labor Standards Act. If the request for removal is denied, the person or firm may petition for review by the Wage Appeals Board pursuant to 29 CFR Part 7.

(d)(1) Section 3(a) of the Davis-Bacon Act provides that for a period of three years from date of publication on the ineligible list, no contract shall be awarded to any persons or firms placed on the list as a result of a finding by the Comptroller General that such persons or firms have disregarded obligations to employees and subcontractors under that Act, and further, that no contract shall be awarded to "any firm, corporation, partnership, or association in which such persons or firms have an interest." Paragraph (a)(1) of this section similarly provides that for a period not to exceed three years from date of publication on the ineligible list, no contract subject to any of the statutes listed in § 5.1 shall be awarded to any contractor or subcontractor on the ineligible list pursuant to that paragraph, or to "any firm, corporation, partnership, or association" in which such contractor or subcontractor has a "substantial interest." A finding as to whether persons or firms whose names appear on the ineligible list have an interest (or a substantial interest, as appropriate) in any other firm, corporation, partnership, or association, may be made through investigation, hearing, or otherwise.



(2)(i) The Administrator, on his/her own motion or after receipt of a request for a determination pursuant to paragraph (d)(3) of this section may make a finding on the issue of interest (or substantial interest, as appropriate).

(ii) If the Administrator determines that there may be an interest (or substantial interest, as appropriate), but finds that there is insufficient evidence to render a final ruling thereon, the Administrator may refer the issue to the Chief Administrative Law Judge in accordance with paragraph (d)(4) of this section.

(iii) If the Administrator finds that no interest (or substantial interest, as appropriate) exists, or that there is not sufficient information to warrant the initiation of an investigation, the requesting party, if any, will be so notified and no further action taken.

(iv)(A) If the Administrator finds that an interest (or substantial interest, as appropriate) exists, the person or firm affected will be notified of the Administrator's finding (by certified mail to the last known address), which shall include the reasons therefor, and such person or firm shall be afforded an opportunity to request that a hearing be held to render a decision on the issue.

(B) Such person or firm shall have 20 days from the date of the Administrator's ruling to request a hearing. A detailed statement of the reasons why the Administrator's ruling is in error, including facts alleged to be in dispute, if any, shall be submitted with the request for a hearing.

(C) If no hearing is requested within the time mentioned in paragraph (d)(2)(iv)(B) of this section, the Administrator's finding shall be final and the Administrator shall so notify the Comptroller General. If a hearing is requested, the ruling of the Administrator shall be inoperative unless and until the administrative law judge or the Wage Appeals Board issues an order that there is an interest (or substantial interest, as appropriate).

(3)(i) A request for a determination of interest (or substantial interest, as appropriate), may be made by any interested party, including contractors or prospective contractors and associations of contractor's representatives of employees, and interested Government agencies. Such a request shall be submitted in writing to the Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, D.C. 20210, to the attention of the Office of Government Contract Wage Standards.

(ii) The request shall include a statement setting forth in detail why the

petitioner believes that a person or firm whose name appears on the debarred bidders list has an interest (or a substantial interest, as appropriate) in any firm, corporation, partnership, or association which is seeking or has been awarded a contract of the United States or the District of Columbia, or which is subject to any of the statutes listed in § 5.1. No particular form is prescribed for the submission of a request under this section.

(4) *Referral to the Chief Administrative Law Judge.* The Administrator, on his/her own motion or upon a request for hearing where the Administrator determines that relevant facts are in dispute, will by order refer the issue to the Chief Administrative Law Judge, for designation of an Administrative Law Judge who shall conduct such hearings as may be necessary to render a decision solely on the issue of interest (or substantial interest, as appropriate). Such proceedings shall be conducted in accordance with the procedures set forth at 29 CFR Part 6.

(5) *Referral to the Wage Appeals Board.* If the person or firm affected requests a hearing and the Administrator determines that relevant facts are not in dispute, the Administrator will refer the issue and the record compiled thereon to the Wage Appeals Board to render a decision solely on the issue of interest (or substantial interest, as appropriate). Such proceeding shall be conducted in accordance with the procedures set forth at 29 CFR Part 7.

#### § 5.13 Rulings and Interpretations.

All questions relating to the application and interpretation of wage determinations (including the classifications therein) issued pursuant to Part 1 of this subtitle, of the rules contained in this part and in Parts 1 and 3, and of the labor standards provisions of any of the statutes listed in § 5.1 shall be referred to the Administrator for appropriate ruling or interpretation. The rulings and interpretations shall be authoritative and those under the Davis-Bacon Act may be relied upon as provided for in section 10 of the Portal-to-Portal Act of 1947 (29 U.S.C. 259). Requests for such rulings and interpretations should be addressed to the Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, D.C. 20210.

#### § 5.14 Variations, tolerances, and exemptions from Parts 1 and 3 of this subtitle and this part.

The Secretary of Labor may make variations, tolerances, and exemptions from the regulatory requirements of this part and those of Parts 1 and 3 of this subtitle whenever the Secretary finds that such action is necessary and proper in the public interest or to prevent injustice and undue hardship. Variations, tolerances, and exemptions may not be made from the statutory requirements of any of the statutes listed in § 5.1 unless the statute specifically provides such authority.

#### § 5.15 Limitations, variations, tolerances, and exemptions under the Contract Work Hours and Safety Standards Act.

(a) *General.* Upon his or her own initiative or upon the request of any Federal agency, the Secretary of Labor may provide under section 105 of the Contract Work Hours and Safety Standards Act reasonable limitations and allow variations, tolerances, and exemptions to and from any or all provisions of that Act whenever the Secretary finds such action to be necessary and proper in the public interest to prevent injustice, or undue hardship, or to avoid serious impairment of the conduct of Government business. Any request for such action by the Secretary shall be submitted in writing, and shall set forth the reasons for which the request is made.

(b) *Exemptions.* Pursuant to section 105 of the Contract Work Hours and Safety Standards Act, the following classes of contracts are found exempt from all provisions of that Act in order to prevent injustice, undue hardship, or serious impairment of Government business:

(1) Contracts of \$2,000.00 or less.

(2) Purchases and contracts other than construction contracts in the aggregate amount of \$2,500.00 or less. In arriving at the aggregate amount involved, there must be included all property and services which would properly be grouped together in a single transaction and which would be included in a single advertisement for bids if the procurement were being effected by formal advertising.

(3) Contract work performed in a workplace within a foreign country or within territory under the jurisdiction of the United States other than the following: A State of the United States; the District of Columbia; Puerto Rico; the Virgin Islands; Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act (ch. 345, 67 Stat. 462); American Samoa; Guam;



Wake Island; Eniwetok Atoll; Kwajalein Atoll; and Johnston Island.

(4) Agreements entered into by or on behalf of the Commodity Credit Corporation providing for the storing in or handling by commercial warehouses of wheat, corn, oats, barley, rye, grain sorghums, soybeans, flaxseed, rice, naval stores, tobacco, peanuts, dry beans, seeds, cotton, and wool.

(5) Sales of surplus power by the Tennessee Valley Authority to States, counties, municipalities, cooperative organization of citizens or farmers, corporations and other individuals pursuant to section 10 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 8311).

(c) *Tolerances.* (1) The "basic rate of pay" under section 102 of the Contract Work Hours and Safety Standards Act may be computed as an hourly equivalent to the rate on which time-and-one-half overtime compensation may be computed and paid under section 7 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 207), as interpreted in Part 778 of this title. This tolerance is found to be necessary and proper in the public interest in order to prevent undue hardship.

(2) Concerning the tolerance provided in paragraph (c)(1) of this section, the provisions of section 7(d)(2) of the Fair Labor Standards Act and § 778.7 of this title should be noted. Under these provisions, payments for occasional periods when no work is performed, due to vacations, and similar causes are excludable from the "regular rate" under the Fair Labor Standards Act. Such payments, therefore, are also excludable from the "basic rate" under the Contract Work Hours and Safety Standards Act.

(3) See § 5.8(c) providing a tolerance subdelegating authority to the heads of agencies to make appropriate adjustments in the assessment of liquidated damages totaling \$500 or less under specified circumstances.

(4)(i) Time spent in an organized program of related, supplemental instruction by laborers or mechanics employed under bona fide apprenticeship or training programs may be excluded from working time if the criteria prescribed in paragraphs (c)(4)(ii) and (iii) of this section are met.

(ii) The apprentice or trainee comes within the definition contained in § 5.2(n).

(iii) The time in question does not involve productive work or performance of the apprentice's or trainee's regular duties.

(d) *Variations.* (1) In order to prevent undue hardship, a workday consisting of a fixed and recurring 24-hour period commencing at the same time on each

calendar day may be used in lieu of the calendar day in applying the daily overtime provisions of the Act to the employment of firefighters or fireguards, under the following conditions: (i) Where such employment is under a platoon system requiring such employees to remain at or within the confines of their post of duty in excess of 8 hours per day in a standby or on-call status; and (ii) if the use of such alternate 24-hour day has been agreed upon between the employer and such employees or their authorized representatives before performance of the work; and (iii) provided that, in determining the daily and the weekly overtime requirements of the Act in any particular workweek of any such employee whose established workweek begins at an hour of the calendar day different from the hour when such agreed 24-hour day commences, the hours worked in excess of 8 hours in any such 24-hour day shall be counted in the established workweek (of 168 hours commencing at the same time each week) in which such hours are actually worked. (Approved by the Office of Management and Budget under OMB control numbers 1215-0140 and 1215-0017.)

(2) In the event of failure or refusal of the contractor or any subcontractor to comply with overtime pay requirements of the Contract Work Hours and Safety Standards Act, if the funds withheld by Federal agencies for the violations are not sufficient to pay fully both the unpaid wages due laborers and mechanics and the liquidated damages due the United States, the available funds shall be used first to compensate the laborers and mechanics for the wages to which they are entitled (or an equitable portion thereof when the funds are not adequate for this purpose); and the balance, if any, shall be used for the payment of liquidated damages.

(3) In the performance of any contract entered into pursuant to the provisions of 38 U.S.C. 620 to provide nursing home care of veterans, no contractor or subcontractor under such contract shall be deemed in violation of Section 102 of the Contract Work Hours and Safety Standards Act by virtue of failure to pay the overtime wages required by such section for work in excess of 8 hours in any calendar day or 40 hours in the workweek to any individual employed by an establishment which is an institution primarily engaged in the care of the sick, the aged, or the mentally ill or defective who reside on the premises if, pursuant to an agreement or understanding arrived at between the employer and the employee before performance of the work, a work period

of 14 consecutive days is accepted in lieu of the workweek of 7 consecutive days for the purpose of overtime compensation and if such individual receives compensation for employment in excess of 8 hours in any workday and in excess of 80 hours in such 14-day period at a rate not less than 1½ times the regular rate at which the individual is employed, computed in accordance with the requirements of the Fair Labor Standards Act of 1938, as amended. (Approved by the Office of Management and Budget under OMB control numbers 1215-0140 and 1215-0017.)

(4) Any contractor or subcontractor performing on a government contract the principal purpose of which is the furnishing of fire fighting or suppression and related services, shall not be deemed to be in violation of Section 102 of the Contract Work Hours and Safety Standards Act for failing to pay the overtime compensation required by Section 102 of the Act in accordance with the basic rate of pay as defined in subsection (c)(1) of this section, to any pilot or copilot of a fixed-wing or rotary-wing aircraft employed on such contract if:

(i) Pursuant to a written employment agreement between the contractor and the employee which is arrived at before performance of the work.

(A) The employee receives gross wages of not less than \$300 per week regardless of the total number of hours worked in any workweek, and

(B) Within any workweek the total wages which an employee receives are not less than the wages to which the employee would have been entitled in that workweek if the employee were paid the minimum hourly wage required under the contract pursuant to the provisions of the Service Contract Act of 1965 and any applicable wage determination issued thereunder for all hours worked, plus an additional premium payment of one-half times such minimum hourly wage for all hours worked in excess of 8 hours in any calendar day or 40 hours in the workweek;

(ii) The contractor maintains accurate records of the total daily and weekly hours of work performed by such employee on the government contract. In the event these conditions for the exemption are not met, the requirements of section 102 of the Contract Work Hours and Safety Standards Act shall be applicable to the contract from the date the contractor or subcontractor fails to satisfy the conditions until completion of the contract. (Approved by the Office of Management and



Budget under OMB control number 1215-0017.)

**§ 5.16 Training plans approved or recognized by the Department of Labor prior to August 20, 1975.**

(a) Notwithstanding the provisions of § 5.5(a)(4)(ii) relating to the utilization of trainees on Federal and federally assisted construction, no contractor shall be required to obtain approval of a training program which, prior to August 20, 1975, was approved by the Department of Labor for purposes of the Davis-Bacon and Related Acts, was established by agreement of organized labor and management and therefore recognized by the Department, and/or was recognized by the Department under Executive Order 11246, as amended. A copy of the program and evidence of its prior approval, if applicable shall be submitted to the Employment and Training Administration, which shall certify such prior approval or recognition of the program. In every other respect, the

provisions of § 5.5(a)(4)(ii)—including those relating to registration of trainees, permissible ratios, and wage rates to be paid—shall apply to these programs.

(b) Every trainee employed on a contract executed on and after August 20, 1975, in one of the above training programs must be individually registered in the program in accordance with Employment and Training Administration procedures, and must be paid at the rate specified in the program for the level of progress. Any such employee listed on the payroll at a trainee rate who is not registered and participating in a program certified by ETA pursuant to this section, or approved and certified by ETA pursuant to § 5.5(a)(4)(ii), must be paid the wage rate determined by the Secretary of Labor for the classification of work actually performed. The ratio of trainees to journeymen shall not be greater than permitted by the terms of the program.

(c) In the event a program which was recognized or approved prior to August

20, 1975, is modified, revised, extended, or renewed, the changes in the program or its renewal must be approved by the Employment and Training Administration before they may be placed into effect.

**§ 5.17 Withdrawal of approval of a training program.**

If at any time the Employment and Training Administration determines, after opportunity for a hearing, that the standards of any program, whether it is one recognized or approved prior to August 20, 1975, or a program subsequently approved, have not been complied with, or that such a program fails to provide adequate training for participants, a contractor will no longer be permitted to utilize trainees at less than the predetermined rate for the classification of work actually performed until an acceptable program is approved.

[FR Doc. 83-11189 Filed 4-26-83; 8:45 am]

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to the results of the study. The results of the study are presented in the following table:

TABLE 1. Results of the study.

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TABLE 3. Results of the study.

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TABLE 15. Results of the study.

The results of the study are presented in the following table:

TABLE 16. Results of the study.

The results of the study are presented in the following table:

TABLE 17. Results of the study.

The results of the study are presented in the following table:

TABLE 18. Results of the study.

The results of the study are presented in the following table:

TABLE 19. Results of the study.

The results of the study are presented in the following table:

TABLE 20. Results of the study.

The results of the study are presented in the following table:

TABLE 21. Results of the study.

The results of the study are presented in the following table:

TABLE 22. Results of the study.

The results of the study are presented in the following table:

TABLE 23. Results of the study.

The results of the study are presented in the following table:

TABLE 24. Results of the study.



# Federal Register

Friday  
April 29, 1983

## Part IV

## Department of Labor

Employment Standards Administration,  
Wage and Hour Division

### Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions



## DEPARTMENT OF LABOR

Employment Standards  
Administration, Wage and Hour  
DivisionMinimum Wages for Federal and  
Federally Assisted Construction;  
General Wage Determination  
Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of

publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas  
Decisions to General Wage  
Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is

encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage  
Determination Decisions

The numbers of the decisions being modified and their dates of publication in the Federal Register are listed with each State.

California: CA82-5118	Aug. 20, 1982
Colorado: CO82-5107	Apr. 9, 1982
Michigan:	
MI83-2009	Feb. 11, 1983
MI83-2020	Mar. 18, 1983
MI83-2007	Feb. 11, 1983
MI83-2015	Mar. 11, 1983
MI83-2018	Do.
MI83-2021	Mar. 18, 1983
Massachusetts:	
MA81-3050	Aug. 28, 1981
MA81-3054	Sept. 4, 1981
Nebraska: NE83-4023	Mar. 18, 1983
North Carolina: NC83-1013	Mar. 11, 1983
Nevada:	
NV83-5103	Mar. 18, 1983
NV82-5113	Aug. 6, 1982
NV82-5114	Do.
Nebraska: NE83-4025	Apr. 1, 1983
Oregon: OR83-5100	Feb. 18, 1983
West Virginia: WV82-3002	Oct. 29, 1982

Supersedeas Decisions to General Wage  
Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the Federal Register are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being modified.

Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania & Rhode Island: NY81-3073 (NY83-3013).	Oct. 9, 1981
Florida:	
FL77-1090 (FL83-1033)	May 20, 1977
FL81-1250 (FL83-1034)	June 19, 1981
Georgia, North Carolina, South Carolina, Virginia, Washington, D.C. & Florida: GA81-1043 (GA83-1035).	Sept. 10, 1982
Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania & Wisconsin: IL82-2026 (IL83-2037).	Apr. 9, 1982
Indiana: IN80-2059 (IN83-2033)	Aug. 1, 1980
Iowa: IA82-4032 (IA83-4033)	June 18, 1982

Signed at Washington, D.C. this 22nd day of April 1983.

Dorothy P. Come,  
Assistant Administrator, Wage and Hour  
Division.

BILLING CODE 4510-27-M



DECISION NO. C082-5118 - Mod. #9

147 FR 36513 - August 20, 1982

Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties, California

Basic Hourly Rates	Fringe Benefits
\$20.50	\$3.52
20.75	2.97

DECISION NO. C082-5107 - Mod. #6

147 FR 15491 - April 9, 1982

Delta, Garfield, Gunnison, Mesa, Montrose, and Pitkin Counties, Colorado

Basic Hourly Rates	Fringe Benefits
\$16.00	\$1.50+
16.25	1.50+

Basic Hourly Rates	Fringe Benefits
\$11.36	2.17
15.96	2.17
16.67	2.63

Basic Hourly Rates	Fringe Benefits
\$14.77	4.10+1.26
14.40	"
12.15	"
11.33	"
15.10	4.10

DECISION NO. C082-5107 - Mod. #6

147 FR 15491 - April 9, 1982

Delta, Garfield, Gunnison, Mesa, Montrose, and Pitkin Counties, Colorado

Basic Hourly Rates	Fringe Benefits
\$16.00	\$1.50+
16.25	1.50+

Basic Hourly Rates	Fringe Benefits
\$16.03	4.10+1.26
15.81	"
15.25	"
14.77	"
14.40	"
12.15	"
11.33	"

Basic Hourly Rates	Fringe Benefits
\$16.03	4.10+1.26
15.81	"
15.25	"
14.77	"
14.40	"
12.15	"
11.33	"

Basic Hourly Rates	Fringe Benefits
\$16.03	4.10+1.26
15.81	"
15.25	"
14.77	"
14.40	"
12.15	"
11.33	"

DECISION NO. C082-5107 - Mod. #6

147 FR 15491 - April 9, 1982

Delta, Garfield, Gunnison, Mesa, Montrose, and Pitkin Counties, Colorado

Basic Hourly Rates	Fringe Benefits
\$16.00	\$1.50+
16.25	1.50+

Basic Hourly Rates	Fringe Benefits
\$16.03	4.10+1.26
15.81	"
15.25	"
14.77	"
14.40	"
12.15	"
11.33	"

Basic Hourly Rates	Fringe Benefits
\$16.03	4.10+1.26
15.81	"
15.25	"
14.77	"
14.40	"
12.15	"
11.33	"

Basic Hourly Rates	Fringe Benefits
\$16.03	4.10+1.26
15.81	"
15.25	"
14.77	"
14.40	"
12.15	"
11.33	"

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Delta, Garfield, Gunnison, Mesa, Montrose, and Pitkin Counties, Colorado

Basic Hourly Rates	Fringe Benefits
\$16.00	\$1.50+
16.25	1.50+

Basic Hourly Rates	Fringe Benefits
\$16.03	4.10+1.26
15.81	"
15.25	"
14.77	"
14.40	"
12.15	"
11.33	"

Basic Hourly Rates	Fringe Benefits
\$16.03	4.10+1.26
15.81	"
15.25	"
14.77	"
14.40	"
12.15	"
11.33	"

Basic Hourly Rates	Fringe Benefits
\$16.03	4.10+1.26
15.81	"
15.25	"
14.77	"
14.40	"
12.15	"
11.33	"

DECISION NO. C082-5107 - Mod. #6

147 FR 15491 - April 9, 1982

Delta, Garfield, Gunnison, Mesa, Montrose, and Pitkin Counties, Colorado

Basic Hourly Rates	Fringe Benefits
\$16.00	\$1.50+
16.25	1.50+

Basic Hourly Rates	Fringe Benefits
\$16.03	4.10+1.26
15.81	"
15.25	"
14.77	"
14.40	"
12.15	"
11.33	"

Basic Hourly Rates	Fringe Benefits
\$16.03	4.10+1.26
15.81	"
15.25	"
14.77	"
14.40	"
12.15	"
11.33	"

Basic Hourly Rates	Fringe Benefits
\$16.03	4.10+1.26
15.81	"
15.25	"
14.77	"
14.40	"
12.15	"
11.33	"

DECISION NO. C082-5107 - Mod. #6

147 FR 15491 - April 9, 1982

Delta, Garfield, Gunnison, Mesa, Montrose, and Pitkin Counties, Colorado

Basic Hourly Rates	Fringe Benefits
\$16.00	\$1.50+
16.25	1.50+



## Modification Page 3

DECISION NO. MARI-3050 - MOD. BY (48 FR 43625 - Aug. 28, 1981) Worcester County, Mass.	DECISION NO. MARI-3050 - MOD. BY (48 FR 44611 - Sept. 4, 1981) BARNSTABLE, BRISTOL, DUKES, ESSEX, MIDDLESEX, NANTUCKET, SUSSEX, PLYMOUTH AND SUFFOLK COUNTIES, MASS.
CHARGE:	CHARGE:
Asbestos Workers	ELECTRICIANS:
Boilersmakers	MIDDLESEX (Bedford, Bille-
Bricklayers, Cement Masons, Flaskers & Stonemasons:	rice, Somers, Burlington, Essex, Middlesex, Nantucket, Suffolk, Plymouth and Suffolk Counties, Mass.
Warren	CHARGE:
Hopedale, Milford and Southboro	ELECTRICIANS:
Abbott, Gardner, Har- vard, Hubbardston, Lan- caster, Leominster, Lunen- burg, Petersham, Phillip- ston, Princeton, Royalston, Sterling, Templeton, Westminster & Winchen-	MIDDLESEX (Bedford, Bille- rice, Somers, Burlington, Essex, Middlesex, Nantucket, Suffolk, Plymouth and Suffolk Counties, Mass.)
don	CHARGE:
Remainder of County	CHARGE:
Carpenters, Soft Floor Layers:	CHARGE:
Hardwick, Warren, W.	CHARGE:
Brookfield	CHARGE:
Remainder of County	CHARGE:
Electricians:	CHARGE:
Warren, W. Warren	CHARGE:
Elevator Constructors	CHARGE:
Elevator Constructors'	CHARGE:
Helpers	CHARGE:
Elevator Constructors'	CHARGE:
Probationary Helpers	CHARGE:
Glaziers:	CHARGE:
Warren, W. Warren	CHARGE:
Remainder of County	CHARGE:
Ironworkers	CHARGE:
Line Construction:	CHARGE:
Linemen	CHARGE:
Equipment Operator	CHARGE:
Driver Groundman	CHARGE:
Groundman	CHARGE:
Marble, Tile & Terrazzo Workers:	CHARGE:
Abbott, Gardner, Har- vard, Lancaster, Leominster, Lunenburg, Princeton, Sterling, Westminster	CHARGE:
Painters:	CHARGE:
Warren, W. Warren	CHARGE:
Brush & Tapers	CHARGE:
Spray & Sandblasting	CHARGE:

## Modification Page 4

DECISION NO. MARI-3050 (Cont'd.) POWER EQUIPMENT OPERATORS (Building Construction) (Cont'd.) Remainder of County:	DECISION NO. MARI-3050 (Cont'd.) POWER EQUIPMENT OPERATORS (Building Construction) (Cont'd.) Remainder of County:
Class I	Class I
Hourly premium for boom lengths including 1 lb: Over 150 feet + .55 Over 185 feet + .99 Over 210 feet + 1.37 Over 250 feet + 2.08 Over 295 feet + 2.90	Hourly premium for boom lengths including 1 lb: Over 150 feet + .55 Over 185 feet + .99 Over 210 feet + 1.37 Over 250 feet + 2.08 Over 295 feet + 2.90
Class II	Class II
Class III	Class III
Class IV	Class IV
Class V	Class V
Class VI	Class VI
Power Equipment Operators (Heavy & Highway Constr.): Royalston, Phillipston, Athol, Petersham, Hardwick, New Braintree, Brookfield, E. Brookfield, N. Brookfield, Oakham, Barre, Templeton, Winchendon, Sturbridge, W. Brookfield & Warren:	Power Equipment Operators (Heavy & Highway Constr.): Royalston, Phillipston, Athol, Petersham, Hardwick, New Braintree, Brookfield, E. Brookfield, N. Brookfield, Oakham, Barre, Templeton, Winchendon, Sturbridge, W. Brookfield & Warren:
Class I	Class I
Class II	Class II
Class III	Class III
Class IV	Class IV
Class V	Class V
Class VI	Class VI
Class VII	Class VII
Class VIII	Class VIII
Class IX	Class IX
Class X	Class X
Class XI	Class XI
Remainder of County:	Remainder of County:
Hourly premium for boom lengths including 1 lb: Over 150 feet + .55 Over 185 feet + .99 Over 210 feet + 1.37 Over 250 feet + 2.08 Over 295 feet + 2.90	Hourly premium for boom lengths including 1 lb: Over 150 feet + .55 Over 185 feet + .99 Over 210 feet + 1.37 Over 250 feet + 2.08 Over 295 feet + 2.90
Class I	Class I
Class II	Class II
Class III	Class III
Class IV	Class IV
Class V	Class V
Class VI	Class VI
Class VII	Class VII
Class VIII	Class VIII
Class IX	Class IX
Class X	Class X
Class XI	Class XI
Sheet Metal Workers Sprinkler Fitters	Sheet Metal Workers Sprinkler Fitters



## Modification Page 5

DECISION #5083-1023-MOD. #1 (48 FR 11627-March 18, 1983)	Basic Hourly Rates	Fringe Benefits
CLASSIFICATION DEFINITIONS: (CONT'D) Group 8 - Hoist, 2 drums; Treaching Machine; Paving Mixer; Pile Driver; Heavy Duty Mechanic & Welder; Shovel; Dragline; Clamshell; Orange Peel; Backhoe; Derrick; Crane; Locomotive; Fireman on Boiler; Laydown Machine; Two Drum Winch Truck; Slide Boom Cat; Pug Mill Operator on Asphalt Plant; Leverman on Dredge; Engineer on Dredge; Tugboat Operator; Grapple Operator; Rotary Well Drilling Operator; Hydraulic Cleveland-type Backfiller; Self-propelled Spreader; Vibrator; Slip Form Paver Laborers: General Laborers Towboats & Dredge Deck- Bands Bakers & Screedmen on asphalt; mortar mixers; chain saw operators Pipe layers; concrete saw operator Form Setters & Precast manhole setter, inlet builders & manhole setters Truck Drivers: Single axle, jack & spreaders tandem axle excavator trucks, power lift form trucks & jack, jack & spreader trucks; lowboys; tractor- trailer water polls, tandem dump w/auxiliary end, dump trailer Water Polls Lumber Carrier	\$12.17 14.10 8.31 8.40 10.69 11.13 12.17 12.42 12.82 13.01	\$2.45 2.90 2.00 2.00 2.40 1.40 1.40 1.40 1.35 1.35

## CLASSIFICATION DEFINITIONS

Power Equipment Operators: Group 1 - Oilers; Greasers Group 2 - Oiler Driver Group 3 - Tractor under 35 H.P.; Air Compressors; Pumps; welding machines; Spray machines; form trenchers; belt machine Group 4 - Concrete Mixer; Fork-lift Operator, Hydro-Hammer Group 5 - Spreader Oiler Group 6 - Concrete Spreader; Concrete Finishing Machine; Concrete Pump Opera- tor; Bulldozer; Roller; Tractor; One Drum Hoist; Oiler Distributor; Asphalt Roller; One Drum Winch Truck Group 7 - Blade (petrol); Scraper		
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## Modification Page 6

DECISION NO. N783-5103 - MOD. #1 (48 FR 11629 - March 18, 1983)	Basic Hourly Rates	Fringe Benefits
Statewide (does not in- clude the Nevada Test Site and Toiyah Test Range, and Highway Construction in Douglas County), Nevada Change: Asbestos Workers Electricians: Equipment Operators; Linemen Cable Splicers Groundman Mason Tenders	\$20.59 17.45 17.95 18.20 17.70 15.97 16.54	\$3.76 1.95 1.95 1.95 1.95 3.62 1.78
DECISION NO. N782-5111 - MOD. #1 (47 FR 34300 - August 5, 1982) Clark County (does include the Nevada Test Site), Nevada Change: Asbestos Workers Plaster Tenders	\$20.59 15.97	\$3.76 3.62
DECISION NO. N782-5114 - MOD. #6 (47 FR 14312 - August 5, 1982) Nevada Test Site in- cluding Toiyah Test Range in Clark, Lincoln, and Nye Counties, Nevada Change: Asbestos Workers Electricians: Equipment Operators; Linemen Cable Splicers Groundman Mason Tenders	\$19.41	\$3.30
DECISION NO. N783-4025 - MOD. #1 (48 FR 14311-April 1, 1983) Lacaster County, Nebraska ADD: Plumbers & Pipefitters	\$14.64	
DECISION NO. 0883-5105 - MOD. #1 (49 FR 7379 Feb. 18, 1983) Statewide Oregon CHANGE: Modification #2 dated April 22, 1983, to read "Mod. #1" AND: JUNE DESCRIPTIONS FOR LABORERS AND TRUCK DRIVERS: CITIES: ADD "Salem"		



**SUPERSEDES DECISION**  
 STATES: CONNECTICUT, DELAWARE, MAINE, MARYLAND, MASSACHUSETTS, NEW HAMPSHIRE,  
 NEW JERSEY, NEW YORK, PENNSYLVANIA, & RHODE ISLAND  
 DECISION NO.: NY83-3013 DATE: DATE OF PUBLICATION  
 Supersedes Decision No. NY81-1073 dated October 9, 1981, in 46 FR 50282  
 DESCRIPTION OF WORK: All Dredging on the Atlantic Coast from the Canadian  
 border to the southerly border of the State of Maryland & tributary waters  
 emptying into the Atlantic Ocean, the Chesapeake & Delaware Canal, Baltimore  
 City & Baltimore County, Md.

Basic Hourly Rates	Primo Benefits	Basic Hourly Rates	Primo Benefits
DECISION NO. NY81-3002 MOD. NO. 4 (47 FR 45120 - October 29, 1982) Statewide, West Virginia excluding the Counties of Berkeley, Jefferson & Morgan.			
CHANGES:			
CARPENTERS & PILEDRIVERS:			
AREA 2			
Group 1	10.50	2.15	
Group 2	10.66	2.15	
Group 3	11.29	2.15	
Group 4	11.30	2.70	
Group 5	12.67	2.70	
Group 6	12.80	2.70	
Group 7	12.63	2.70	
Group 8	12.63	2.70	
Group 9	12.63	2.70	
Group 10	13.13	2.70	
AREA 5			
Carpenters	14.77	1.93	
Piledrivers	15.02	1.93	
AREA 6			
Carpenters	14.91	2.95	
Piledrivers	15.30	2.95	
Elevator Constructors;			
Brooke, Hancock, Marshall,			
Ohio Counties			
Mechanics	15.07	2.69+	
Helpers	10.55	2.69+	
Probationary Helpers	7.55+	b/c	
Boone, Clay, Fayette,			
Franklin, Lincoln,			
Avon, Boone Counties			
Mechanics	16.29	2.69+	
Helpers	11.40	2.69+	
Probationary Helpers	8.145	b/c	
Cabell, Mason & Wayne			
Counties			
Mechanics	17.095	2.65+	
Helpers	11.97	2.65+	
Probationary Helpers	8.55	b/c	

Basic Hourly Rates	Primo Benefits	Basic Hourly Rates	Primo Benefits
DIPPER & CLAMSHELL DREDGES:			
Operator	14.69	1.73+	
Engineer	14.58	1.73+	
Craneman	14.31	1.73+	
Maintenance Engineer	14.11	1.73+	
Welder	13.52	1.73+	
Mate	13.26	1.73+	
Fireman and Oiler	12.28	1.73+	
Deckhand, Handyman and			
Tug Deckhand	12.00	1.73+	
Scowman and Rodman	11.87	1.73+	
HYDRAULIC DREDGES:			
Leverman	14.45	1.73+	
Engineer and Derrick			
Operator	14.41	1.73+	
Maintenance Engineer	14.11	1.73+	
Boilerman, Dredge Car-			
penter, Dredge Black-			
smith, Electricians and			
Dredge Welder	13.92	1.73+	
Spider Barge Operator	13.79	1.73+	
Mate	13.26	1.73+	
Fireman and Oiler	12.28	1.73+	
Tug Deckhand	12.00	1.73+	
Deckhand, Handyman;			
Shoreman and Rodman	11.87	1.73+	

## FOOTNOTES:

- 8 Paid Holidays: New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day and Christmas Day
- Vacation: 6 1/2 days vacation with pay for 84 days of service, plus one additional day for each additional period of 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation as set forth above will receive one day's vacation with pay for each full 20 days of service in one calendar year.







## SUPERSEDES DECISION

DECISION NO.: FL83-1032 PAGE 2.

## COUNTY: BROWARD

STATE: FLORIDA

DECISION NUMBER: FL83-1032

DATE OF PUBLICATION

Supersedes Decision No.: FL81-1270 dated July 17, 1981 in 46 FR 37166.

DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (Does not include single family homes or apartments of 4 stories or less).

Basic Hourly Rates	Private Benefits	Basic Hourly Rates	Private Benefits
ASBESTOS WORKERS	18.23	2.45	
ROOFERS	17.20	3.315	
BRICKLAYERS, CEMENT MASONS, MARBLE SETTERS, STONE-MASSONS, TILE & TERRAZZO WORKERS	14.70	1.90	
CARPENTERS & SOFT FLOOR LAYERS	13.30	1.53	
ELECTRICIANS:	15.91	1.30*	
Electricians	16.86	1.30*	
Cable Splicers	15.865	2.69*	
ELEVATOR CONSTRUCTORS:	11.105	2.69*	
Mechanics	10.24	.95	
Helpers	13.70	2.48	
GLAZIERS			
IRONWORKERS			
LABORERS:			
1. Permit value \$500,000+ over--			
Air tool oper., Mason	8.75	1.62	
Tenders, Mortar Mixers	8.91	1.62	
Pipelayers	8.61	1.62	
Plasterers			
Unskilled			
2. Permit value up to \$500,000--			
Air tool Oper., Mason	7.05	1.57	
Tenders, Mortar Mixers	7.23	1.57	
Pipelayers	6.95	1.57	
Plasterers	11.10	1.51	
Unskilled	14.02	2.10	
LATHERS			
MILLWRIGHTS			
PAINTERS:			
Brush	12.55	1.82	
Drywall, Tapers, Paper-hangers	12.88	1.82	
Spray, Sandblaster	13.05	1.82	

## POWER EQUIPMENT CLASSIFICATION DEFINITIONS:

Group 1--All tower cranes (must have 2 operators; mobile, rail climbers, static mount), cranes w/boom length 150ft & over (with or w/out jib), derricks, helicopters, all types of crane cranes & all nuclear powered equipment, single station hydro cranes over 18 tons but not more than 50 tons, finish grader.

Group 2--All cranes w/boom length 150ft & over (with or w/out jib), friction, hydro, electric or otherwise), cranes 150 tons & over w/boom length less than 250 ft., gantry & overhead cranes.

Group 3--Cranes w/boom length less than 150 ft. (with or w/out jib), single station hydro cranes 18 tons & under, single station hydro cranes over 50 tons, dual station hydro cranes, clam shell, shovel, backhoe, gradall, dragline, piledriver, drilling of piling, tugger (all types), hoist (all types), mechanic, sideboom or tractor boom, concrete mixer, cableway.

Group 4--Boring & Drilling machine, concrete pumping machine (all types) batching plant (on job sites), inside elevator, forklift (w/vertical lift of over 20 ft).

Group 5--Locomotive operator, motor mining pump (all types), winch track, A-frame truck, crane truck operator, front end loader, bulldozer, pax, motor grader, forklift.

Group 6--Trenching & ditching machine, roller, fireman, distributor (bituminous), finish machine (paving), wellpoint system (installation and/or operation), siphon, vacuum pump, tractor, conveyor.

Group 7--Utility operator (any combination of equipment up to & including a piece of equipment listed in Group 8), Welding Machines (3-4).

Group 8--Pump(s) or any combination over 2 1/2" compressors or any combination over 175 CFM, Generator(s) or any combination over 5 KW.

Group 9--Oiler, fuel truck driver, mechanic helper, boom hauling truck driver.

FOOTNOTE: a. Six paid holiday: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day.

b. 8% of basic hourly rate for employees who have worked in business more than five years, 6% for employees who have worked in business less than 5 years.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).



## SUPERSEDES DECISION

STATES: ILLINOIS, INDIANA, MICHIGAN, MINNESOTA, NEW YORK, OHIO, PENNSYLVANIA, & WISCONSIN  
 DECISION NUMBER: 1153-2037  
 SUPERSEDES DECISION NUMBER: 1152-2036, dated April 9, 1982, in 47 FR 15195.  
 DATE: DATE OF PUBLICATION  
 DESCRIPTION OF WORK: ENGINEERING FRIGATES - on the Great Lakes, their connecting and tributary waters, including the Illinois Waterway to the lock at Lockport, Illinois; and in the New York State Barge Canal System between Tonawanda, New York, & Watertown, New York, & Oswego, New York; and on the St. Lawrence River Highway to the International Boundary near St. Regis, New York.

POSITION & EMPLOYMENT STATUS	Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
<u>ENGINEERING FRIGATES</u>				
Chief Engineer	\$21.28	1.63-a		
Operator	21.04	"		
Assistant Engineer	20.33	"		
Welder	20.16	"		
Crewman - Spill Barge	20.16	"		
Spill Barge Operator - Hydraulic				
Life Barge	20.16	"		
Engineer	\$15.16	1.73-a		
Blaster	15.17	"		
Fireman	15.17	"		
Miller, welder, Machinist	15.62	"		
Oiler	14.88	"		
<u>ENGINEERING - OPERATOR</u>				
Operator - OF LAUNCH	\$19.00	1.05-a		
<u>ENGINEERING - OPERATOR</u>				
Engineer & Operator	\$18.16	"		
Equipment Operator	\$21.65	1.73-a		
Fireman	19.20	"		
Oiler	16.00	"		

## PAID HOLIDAYS (NONE APPLICABLE)

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

## FOOTNOTES:

- Eight Paid Holidays: A through F plus Washington's Birthday and Veterans' Day; 64 days vacation with pay for 100 days of service, one additional day of vacation with pay for each of the next 3 periods of 25 days of service, and for 200 days or over of service 13 days of vacation with pay, all in one calendar year. Employees not qualifying for vacation, as set forth above, will receive one day's vacation with pay for each full 24 days of service in one calendar year.
- \$9.10 per day per employee.
- Eight Paid Holidays: A through F plus Washington's Birthday and Veterans' Day; 64 days vacation with pay for 80 days of service, one additional day of vacation with pay for each additional 71-2/3 days of service, all in one calendar year. Employees not qualifying for vacation, as set forth above, are to receive one day's vacation with pay for each full 20 days of service in one calendar year.
- Nine Paid Holidays: A through F plus Washington's Birthday, Veterans' Day, and Paul Hall's Day.
- A half day vacation for each full 90 days employment in one calendar year.
- \$1.50 per hour in fringe benefits (including vacation payments).
- Eight Paid Holidays: A through F plus Washington's Birthday, Veterans' Day, and Association Day; 64 days vacation with pay for 100 days of service, one additional day of vacation with pay for each of the next 3 periods of 25 days of service, and for 200 days or over of service 13 days of vacation with pay, all in one calendar year. Employees not qualifying for vacation, as set forth above, will receive a half day's vacation with pay for each full 12 days of service in one calendar year.

## SUPERSEDES DECISION

STATES: GEORGIA, NORTH CAROLINA, SOUTH CAROLINA, VIRGINIA, & WASHINGTON, D.C., AND IN FLORIDA,  
 ALL COUNTIES ON THE ATLANTIC COAST AND THE GULF COAST WEST TO THE APACHE RIVER AND  
 ALL TERRITORY THEREABOUTS.  
 DECISION NUMBER: 1153-2035  
 SUPERSEDES DECISION NUMBER: 1152-1013, dated September 10, 1982, in 47 FR 35968.  
 DATE: DATE OF PUBLICATION  
 DESCRIPTION OF WORK: ENGINEERING FRIGATES.

POSITION & EMPLOYMENT STATUS	Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
<u>ENGINEERING FRIGATES</u>				
Leveman	\$11.24	1.73-a		
Engineer	11.10	"		
Welder	10.07	"		
Mate	10.35	"		
Operator	10.73	"		
Spill Barge Operator	10.52	"		
Spill Barge Operator	10.52	"		
Deckhand	10.00	"		
Spill Barge	9.58	"		
Deckhand	8.08	"		
Engineer	10.66	"		
Electrician	10.90	"		
Machinist	10.58	"		
Steward	8.83	"		
Oiler & Fireman	8.58	"		
Deckhand	8.08	"		
Second Cook	7.94	"		
Meatman	7.94	"		
<u>ENGINEERING - OPERATOR</u>				
Leveman	\$ 9.73	1.73-a		
Engineer	9.29	"		
Welder	9.43	"		
Mate	8.18	"		
Oiler & Fireman	8.01	"		
Deckhand	7.62	"		
Leveman	8.05	"		
Spill Barge Operator	7.49	"		
Spill Barge Operator	8.68	"		
<u>ENGINEERING - OPERATOR</u>				
Operator	\$11.14	1.73-a		
Engineer	10.55	"		
Welder	10.25	"		
Mate	9.89	"		
Fireman & Oiler	8.58	"		
Deckhand	8.08	"		
Leveman	8.58	"		
Spill Barge	8.19	"		

(1) (11).



## SUPERSEDES DECISION

STATE: INDIANA  
 COUNTY: \*See Below  
 DECISION NUMBER: IN83-2033  
 DATE: Date of Publication  
 SUPERSEDES DECISION NO. IN80-2059 dated August 1, 1980, in 45 FR 51401  
 DESCRIPTION OF WORK: Building Construction Projects (does not include single family homes and apartments up to and including 4 stories)

\*BROWN, CLARK, CHAMFORD, DEARBORN, DECATUR, FALETTE, FLOYD, FRANKLIN, HARRISON,  
 BERRY, JACKSON, JEFFERSON, JENNINGS, LAWRENCE, OHIO, ORANGE, RANDOLPH, RIPLEY,  
 RUSH, SCOTT, SWITZERLAND, UNION, WASHINGTON & WAYNE COUNTIES

Basic Hourly Rates	Pringe Benefits	Basic Hourly Rates	Pringe Benefits	
<b>ASBESTOS WORKERS:</b>				
Area 1	\$18.00	2.45	17.30	1.86
Area 2	17.11	2.48	17.18	1.88
Area 3	16.36	3.02	17.18	1.85+
Area 4	17.19	2.45	17.18	1.88
<b>BOILERMAKERS:</b>				
Area 1	16.35	4.815	17.75	2.55
Area 2	18.83	3.405	18.05	2.55
<b>BRICKLAYERS, CAULKERS, Pointers, Cleaners &amp; Stonemasons:</b>				
Area 1	13.95	2.56	18.15	2.55
Area 2	16.73	2.48	18.15	2.55
Area 3	13.84	1.51	18.15	2.55
Area 4	14.40	1.77	18.15	2.55
<b>CARPENTERS:</b>				
Area 1:	14.97	2.00	18.30	2.55
Carpenter & Soft Floor Layers	15.22	2.00	16.95	2.55
Piledrivers	17.79	2.10	16.30	2.20
Millwrights	15.42	1.99	16.14	2.20
Area 2:	15.82	1.99	16.37	2.465
Carpenter & Soft Floor Layers	15.62	1.99	16.37	2.465
Millwrights	15.42	1.99	16.37	2.465
Piledrivers	15.42	1.99	16.37	2.465
Area 3:	13.35	1.88	16.37	2.465
Carpenter, Soft Floor Layers & Lathers	13.60	1.88	16.37	2.465
Piledrivers	13.60	1.88	16.37	2.465
Area 4:	13.63	2.35	16.37	2.465
Carpenter & Soft Floor Layer	13.93	2.35	16.37	2.465
Millwrights	13.93	2.35	16.37	2.465
Piledrivers	13.83	2.35	16.37	2.465
Area 5:	13.86	2.00	16.37	2.465
Carpenter & soft Floor Layers	14.61	2.00	16.37	2.465
Millwrights	14.36	2.00	16.37	2.465
Piledrivers	14.36	2.00	16.37	2.465
<b>CEMENT MASONS:</b>				
Area 1	14.85	2.10	16.37	2.465
Area 2	12.64	2.08	16.37	2.465
Area 3	13.70	1.85	16.37	2.465
Area 4	12.45	1.80	16.37	2.465
Area 5	13.95	1.80	16.37	2.465
<b>ELECTRICIANS:</b>				
Area 1	17.30	1.86	17.30	1.86
Area 2	17.18	1.88	17.18	1.88
Area 3:	16.35	4.815	17.75	2.55
to 18 miles from Hamilton Co. Ohio Courthouse	18.83	3.405	18.05	2.55
18-21 miles	13.95	2.56	18.15	2.55
21-25 Miles	16.73	2.48	18.15	2.55
Over 25 miles	13.84	1.51	18.15	2.55
Area 4	14.40	1.77	18.15	2.55
<b>ELEVATOR CONSTRUCTORS:</b>				
Area 1	15.82	1.99	16.37	2.465
Area 2	15.62	1.99	16.37	2.465
Area 3	15.42	1.99	16.37	2.465
<b>ELEVATOR CONSTRUCTORS HELPERS</b>				
Area 1	13.35	1.88	16.37	2.465
Area 2	13.60	1.88	16.37	2.465
Area 3	13.63	2.35	16.37	2.465
Area 4	13.93	2.35	16.37	2.465
Area 5	13.83	2.35	16.37	2.465
<b>ELEVATOR CONSTRUCTION HELPERS (PROB.):</b>				
Area 1-2-3	13.86	2.00	16.37	2.465
GLAZIERS:	14.61	2.00	16.37	2.465
Area 1	14.36	2.00	16.37	2.465
Area 2	14.85	2.10	16.37	2.465
Area 3	12.64	2.08	16.37	2.465
IRONWORKERS:	13.70	1.85	16.37	2.465
Area 1	12.45	1.80	16.37	2.465
Area 2	13.95	1.80	16.37	2.465
Area 3:	13.86	2.00	16.37	2.465
Structural & Ornamental	14.61	2.00	16.37	2.465
Reinforcing	14.36	2.00	16.37	2.465
Area 4	14.85	2.10	16.37	2.465
Area 5	12.64	2.08	16.37	2.465

## DECISION NO. IN833-2033

MARBLE SETTERS, TILE SETTERS & TERRAZZO WORKERS:

Area 1: Tile setters  
 Area 2: Tile setters  
 Area 3: Tile setters  
 MARBLE, TILE & TERRAZZO FINISHERS:

<b>FINISHERS:</b>			
Area 1	15.98	.30	15.98
Area 2	11.25	.30	11.25
Area 3	14.86	.30	14.86
<b>PAINTERS:</b>			
Area 1:	8.90	.30	8.90
Structural Steel	9.65	.30	9.65
Spray	9.90	.30	9.90
Area 2:	14.30	1.40	14.30
Brush & Roller	15.30	1.40	15.30
Spray & Sandblasting			
Area 3:	10.80	.80	10.80
Brush, Steel & Roller	11.80	.80	11.80
Spray			
Area 4:	15.00		15.00
Brush	16.00		16.00
Spray			
Area 5:	12.55	1.75	12.55
Brush	13.55	1.75	13.55
Spray & Sandblasting			
Area 6:	9.83	.58	9.83
Brush	10.28	.58	10.28
Spray			
<b>PLASTERERS:</b>			
Area 1	14.38	.77	14.38
Area 2	15.20	.77	15.20
Area 3	13.40	.86	13.40
Area 4	13.23	1.76	13.23
Area 5	13.65	1.33	13.65
Area 6	13.95		13.95
<b>PLUMBERS &amp; STEAMFITTERS:</b>			
Area 1	17.31	1.85	17.31
Area 2:	16.32		16.32
Plumbers	17.51	3.86	17.51
Steamfitters	17.95	2.30	17.95
Area 3	19.92	2.20	19.92
Area 4			
<b>ROOFERS:</b>			
Area 1:	17.52	1.53	17.52
Area 2:	15.32	2.00	15.32
Composition	15.57	2.00	15.57
Slate & Tile	13.10	1.35	13.10
Area 3			



## DECISION NO. 1983-2033

## PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;  
E-Thanksgiving Day; F-Christmas Day

## FOOTNOTES:

- a. Seven paid holidays: A Thru F and day after Thanksgiving
- b. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 yrs.; Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years

## AREA DESCRIPTIONS

## ASBESTOS WORKERS:

- Area 1 - Brown County  
Area 2 - Randolph & Wayne Counties  
Area 3 - Dearborn, Fayette, Franklin, Ohio, Ripley, Switzerland, and Union Counties  
Area 4 - Remainder of Counties

## BOILERMAKERS

- Area 1 - Clark, Dearborn, Floyd, Harrison, Jefferson, Scott, Switzerland, & Washington Counties  
Area 2 - Remainder of Counties

## BRICKLAYERS: Caulkers, Painters, Cleaners &amp; Stonemasons

- Area 1 - Fayette, Franklin, Henry, Randolph, Rush, Union & Wayne Cos.  
Area 2 - Crawford County  
Area 3 - Clark, Floyd, and Harrison Counties  
Area 4 - Remainder of Counties

## CARPENTERS

- Area 1 - Crawford County  
Area 2 - Lawrence & Orange Counties  
Area 3 - Clark, Floyd, Harrison & Washington Counties  
Area 4 - Fayette, Henry, Randolph, Rush (Carthage & N. thereof), Union & Wayne Counties  
Area 5 - Remainder of Counties

## CEMENT MASONS

- Area 1 - Crawford County  
Area 2 - Clark, Floyd & Harrison Counties  
Area 3 - Randolph County  
Area 4 - Dearborn, Fayette, Franklin (N. Brookville & N. thereof), Rush, Union & Wayne Counties  
Area 5 - Remainder of Counties

## DECISION NO. 1983-2033

## AREA DESCRIPTIONS (CONT'D)

## ELECTRICIANS

- Area 1 - Brown County  
Area 2 - Crawford, Lawrence & Orange Counties  
Area 3 - Dearborn, Ohio & Switzerland Counties  
Area 4 - Dearborn, Jennings, Ripley & Rush Counties  
Area 5 - Fayette, Franklin, Henry, Randolph, Union & Wayne Counties  
Area 6 - Clark, Floyd, Harrison, Jackson, Jefferson, Scott & Washington Counties

## ELEVATOR CONSTRUCTORS

- Area 1 - Brown, Dearborn, Henry & Rush Counties  
Area 2 - Dearborn, Fayette, Franklin, Randolph, Ripley, Ohio, Switzerland, Union & Wayne Counties  
Area 3 - Remainder of Counties

## GLAZIERS

- Area 1 - Brown, Dearborn, Fayette, Franklin, Henry, Jackson, Jennings, Randolph, Rush, Union & Wayne Counties  
Area 2 - Dearborn, Ripley, Ohio & Switzerland Counties

## IRONWORKERS

- Area 1 - Brown, Dearborn (N.W.), Fayette (N.W.), Franklin (N.W. TIP), Henry, Jackson (N Part including Freetown), Jennings (SW Corner), Lawrence (N. Part excluding Oolitic) Randolph (S.W. TIP) & Rush Counties  
Area 2 - Clark, Crawford, Floyd, Harrison, Jackson (Remainder of Co.), Jefferson (W 2/3), Jennings (S 2/3) Lawrence (S 2/3), Orange, Scott, Switzerland (SW TIP), & Washington Counties  
Area 3 - Dearborn, Dearborn (Remainder of Co.), Fayette (SE 2/3), Franklin (Remainder of Co.), Jefferson (NE 1/3), Ohio, Ripley, Switzerland (Remainder of Co.) & Union (S 1/3)  
Area 4 - Fayette (Remainder of Co.), Randolph (S. Part of Co. excluding Winchester but including Union City), Union (N 2/3 & Wayne)  
Area 5 - Remainder of Randolph County

## MABLE SETTERS, TILE SETTERS &amp; TERRAZZO WORKERS

- Area 1 - Fayette, Franklin, Henry, Randolph, Rush, Union & Wayne Counties  
Area 2 - Crawford County  
Area 3 - Brown, Dearborn, Dearborn, Jackson, Jefferson, Jennings, Lawrence, Ohio, Orange, Ripley, Scott, Switzerland, & Washington Counties



DECISION NO. IN83-2033

DECISION NO. IN83-2033

## AREA DESCRIPTIONS (CONT'D)

## MARBLE, TILE &amp; TERRAZZO FINISHERS

Area 1 - Dearborn County  
 Area 2 - Clark, Floyd & Harrison Counties  
 Area 3 - Remainder of Counties

## PAINTERS

Area 1 - Brown County  
 Area 2 - Lawrence & Grange Counties  
 Area 3 - Decatur, Jackson & Jennings Counties  
 Area 4 - Dearborn, Ripley, Ohio & Switzerland Counties  
 Area 5 - Fayette, Franklin, Henry, Randolph, Rush, Union & Wayne Counties  
 Area 6 - Clark, Crawford, Floyd, Harrison, Jefferson, Scott & Washington Counties

## PLASTERERS

Area 1 - Crawford County  
 Area 2 - Clark, Floyd & Harrison Counties  
 Area 3 - Randolph County  
 Area 4 - Henry County  
 Area 5 - Decatur, Fayette, Franklin (N & including Brookville), Rush, Union & Wayne Counties  
 Area 6 - Remainder of Counties

## PLUMBERS AND STEAMFITTERS

Area 1 - Decatur & Jennings Counties  
 Area 2 - Dearborn, Ohio & Ripley Counties  
 Area 3 - Fayette, Franklin, Henry, Randolph, Rush, Union & Wayne Cos.  
 Area 4 - Remainder of Counties

## ROOFERS

Area 1 - Dearborn, Ohio & Ripley Counties  
 Area 2 - Brown, Decatur, Franklin, Jackson, Jennings, Lawrence, Rush & Union Counties  
 Area 3 - Fayette, Henry, Randolph & Wayne Counties  
 Area 4 - Crawford & Grange Counties  
 Area 5 - Remainder of Counties

## SHEET METAL WORKERS

Area 1 - Dearborn & Ohio Counties  
 Area 2 - Randolph & Wayne Counties  
 Area 3 - Clark, Crawford, Floyd, Harrison, Jefferson, Scott & Switzerland Counties  
 Area 4 - Remainder of Counties

## AREA DESCRIPTIONS (CONT'D)

## LABORERS

Area 1 - Fayette, Henry, Randolph, Rush, Union & Wayne Counties  
 Area 2 - Remainder of Counties

## POWER EQUIPMENT OPERATORS

Area 1 - Fayette, Henry, Randolph, Rush, Union & Wayne Counties  
 Area 2 - Remainder of Counties

## CLASSIFICATION DEFINITIONS

## LABORERS

Group I - Building and Construction Laborers; Scaffold Builders (other than for Masons or Plasterers); Ironworker; Tenders; Mechanic Tenders; Window Washers and Cleaners; Water Boys and Tool Housemen; Roofers Tenders; Railroad Workers; Masonry Wall Washers; Cement Finishers Tenders; Carpenter Tenders; Mason Tenders in Area I and IA; Portable Water Pumps with Discharge up to 3 inches

Group II - Waterproofing; Handling of creosote lumber or like treated material (ex railroad material); Asphalt Pavers & Lotmen; Kettlemen; Air Tool Operators; Pneumatic Tool Operators; Air & Electric Vibrators and Chipping Hammer Operator; Earth Compactors; Jackmen and Streetmen in Ditches more than 6 feet deep; Laborers in Ditches 6' deep or deeper; Assembly at concrete pump; Tile Layers (sewer or field); Sewer Pipe Layers; Motor Driven Wheelbarrows and Concrete Buggies; Taster Op.; Pump Crete Assemblers; Core Drill Operators; Cement, Lime or Silica Clay Handlers; Handling of Toxic Materials Damaging to Clothing; Pneumatic Spikers; Deck Engine & Winch Operator; Water Main & Cable Ducting; Scribed Man or Screw Operator on Asphalt Paver; Chain Saw & Demolition Saw Operator; Concrete Conveyor Assembler

Group III - Plaster Tenders (ex in areas I and IA); Motor Mixers; Welders; Cutting Torch or Burner; Cement Nozzle Laborers; Cement Gun Operators; Scaffold Builders for Plasterers; Scaffold Builders for Mason (ex Area I and IA); Water Blast Mach. Operator.

Group IV - Dynamite Men; Drillers-Air Track or Mason Drilling for Explosives

## POWER EQUIPMENT OPERATORS

## AREA 1

Group 1 - Air Compressor (pressurizing shafts, tunnels & divers); Air Tugger; Auto Patrol; Back Filler; Back Eder; Boom Cat; Boring Machine; Bull Dozer; Calson Drilling Machine; Cherry Picker; Compactor (with dozer blade); Concrete Mixer (dual drum); Concrete Plant; Concrete Pump; Crane with all attachments; Crane - Electric



CLASSIFICATION DEFINITIONS (CONT'D)  
POWER EQUIPMENT OPERATORS (CONT'D)

Overhead; Derrick; Ditching Machine (18" and over); Dredge; Elevators (when hoisting material or tools); Fork lift (Machinery); Formless Paver; Generator (power for welders or compressors); Grapple; Helicopter; Helicopter Winch Operator; High Lift - Front End Loader; Hoist - Material and/or Personnel over 3 floors; Locomotive; Mechanic on Job Site; Mocking Machine; Panel Board Concrete Plant; Pile Driver; Push Cat; Scoop & Tractor; Scraper - Rubber Tired; Spreader - Tractor Mounted; Straddle Carrier - Fork Type; Sub Base Finish Machine (C.M.I. or similar); Tower Crane; Tractor with Backhoe (over 4 yd.); Welder (Craft)

Group 2 - A-Frame Truck; Batch Plant (automatic dry batch); Batching Machine - Power Driven; Bituminous Mixer; Bituminous Paver; Bituminous Plant Engineer; Bulkhead; Bull Vicat; Compactor or Rammer - Self Propelled; Concrete Mixer (21 cu. ft. or over); Concrete Spreader - Power Driven; Ditching Machine (less than 18"); Drilling Machine; Finish Machine; Fork Lift - Masonry & Materials; Grout Machine; Driving and Soilers; Fork Lift - Masonry & Materials; Grout Machine; Head Greaser; Hoist-Material and/or Personnel 3 floors and under; Mechanic in Shop; Mesh Depressor - Mesh Placer; P.C.C. Concrete Self Placer; Roller - Asphalt, Stone & Sub Base; Sheepfoot Roller - Self Propelled; Shop Mule; Spreader or Base Paver - Self Propelled; Sub Grader; Throttle Valve with Air Compressor or Roller; Tractor with Backhoe (4 yd. & under); Tractor - High Lift - Para Type; Tractor-Industrial Type; Tractor with Winch; Well Point; Winch Truck

Group 3 - Air Compressor (210 cu. ft. & over); Bituminous Distributor; Chert Cart; Concrete Curing Machine; Concrete Saw; Dope Pot - Power Agitated; Flex Planer; Form Grader; Hydrohammer; Jacks-Hydraulic Power Driven; Minor Equipment Opt. 3", 4", or 5"; Paving Joint Machine; Post Hole Digger; Roller - Earth; Throttle Valve; Track Jack - Power Driven; Tractor - Para Type; Truck Crane Driver

Group 4 - Air Compressor (less than 210 cu. ft.); Concrete Mixer (under 21 cu. ft.); Conveyor; Generator; Mechanical Heater; Oiler; Operator - 2 pieces of minor equipment; Power Broom; Pump; Welding Machine

CLASSIFICATION DEFINITIONS (CONT'D)  
POWER EQUIPMENT OPERATORS AREA 2

Group 1 - A-Frame Winch Truck; Air Compressors over 600 cu. ft.; Air Tugger; Autograde (CUI); Auto Patrol; Backhoe; Ballast Regulator (28); Satchar Plant (electrical control concrete); Batching Machine (Pipe); Bituminous Plant (engineer); Bituminous Plant; Bituminous Mixer Travel Plant; Bituminous Paver; Bituminous Roller; Buck Hoist; Bull Dozer; Cable Way; Chicago Boom; Class Shell; Concrete Mixer (21 cu. ft. or over); Concrete Paver; Concrete Pump (crete); Crane; Crane-man; Crusher Plant; Derrick; Derrick Boat; Dike; Dope Pot (pipeline); Dredge; Dredge Operator; Dredge Engineer; Drill Operator; Elevating Grader; Elevator; Ford Hoe (or similar type equipment); Forklift; Formless Paver; Gantry Crane; Grapple; Graderman; Grout Pump; Helicopter Crew; Hetherington Paver; High-Lift; Hoist; Hopto; Rough Loader (for similar type); Hydro Crane; Hydro Hammer; Locomotive Crane; Locomotive; Mechanic; Mobile Mixer; Motor Crane; Muck Machine; Multiple Tapping Machine (28); Overhead Crane; Piling Driver; Piling; Push Dozer; Push Soils; Roller; Tail Boom; Tar Machine (Pipeline); Turbine Valve; Swing Crane; Tail Boom; Tar Machine (Pipeline); Turbine Valve; Tower Crane; Trench Machine; Welder (Heavy Duty); Truck Mounted Concrete Pump; Truck-Mounted Drill; Well Point; Winchleys

Group 2 - Air Compressor (up to 600 cu. ft.); Brakeman; Bull Float; Concrete Mixer (over 108 and under 218); Concrete Spreader or Puddler; Deck Engine; Drill Helper; Electric Vibrator Compactor (earth or rock); Finishing Machine; Fireman; Greaser (on grease facilities servicing heavy equipment); Material Pump; Motor Soils; Motor Crane Oiler; Portable Loader; Post Hole Digger; Power Broom; Rock Roller; Roller-Mobile Wheel (earth and rock); Spike Machine; Seaman Tiller; Spreader; Sub Grader; Tamping Machine; Track Mounted Drill Oiler; Welding Machine; Widener (Agco or similar type)

Group 3 - Air Compressor (under 210 cu. ft. per min); Bituminous Distributor; Cement Gun; Concrete Saw; Conveyor; Deck Hand Oiler; Earth Roller; Form Grader; Generator; Guardrail Driver; Heater; Oiler; Paving Joint Machine; Power Traffic Signals; Steam Jenny; Vibrator; Water Pump; "JUG" Lifts and "Scissor" Lift or similar machine



STATE: IOWA

COUNTIES: Statewide (except  
Cerro Gordo, Scott & Webster  
Cos.)

DECISION NO: IAS2-4032

DATE: Date of Publication

Supersedes Decision No. IAS2-4032, dated June 18, 1982, in 47 FR 26536.

DESCRIPTION OF WORK: Highway Projects (does not include building structures  
in rest area projects & work on or pertaining to the Mississippi &  
Missouri River)

	Basic Hourly Rates	Fringe Benefits		Basic Hourly Rates	Fringe Benefits
<b>CARPENTERS &amp; PILEDRIVERS:</b>					
ZONE 1 - Carpenters	\$14.33	2.10	POWER EQUIPMENT OPERATOR:		
ZONE 2 - Carpenters (credit)	14.58	2.10	ZONES 1 & 2 - GROUP 1	\$12.25	2.10
ZONE 3 - Piledrivermen	14.55	2.10	GROUP 2	11.55	2.10
ZONES 4 & 5	11.22	1.38	GROUP 3	10.76	2.10
ZONE 6	11.12	1.00	ZONES 3 & 5 - GROUP 1	11.40	2.13
ZONE 7	8.78	.90	GROUP 2	9.79	2.13
ZONE 8	8.53		GROUP 3	8.44	2.13
ZONE 9	7.92		ZONE 4 - GROUP 1	11.51	2.00
ZONE 10	7.66		GROUP 2	11.26	2.00
<b>CEMENT MASONS:</b>					
ZONE 1	12.17	2.45	GROUP 3	10.56	2.00
ZONE 2 & 3	11.22	1.38	ZONE 6 - GROUP 1	9.64	1.10
ZONE 4 & 5	11.12	1.00	GROUP 2	9.44	1.10
ZONE 6	9.76		GROUP 3	9.25	1.10
ZONE 7	8.53		ZONE 7 - GROUP 1	8.84	1.10
ZONE 8	7.92		GROUP 2	8.54	.70
ZONE 9	7.78		GROUP 3	8.11	.70
ZONE 10	7.66		ZONE 8 - GROUP 1	8.35	.70
<b>LABORERS:</b>					
ZONE 1 - GROUP 1	10.15	1.30	GROUP 2	7.31	.70
GROUP 2	10.31	1.30	GROUP 3	7.31	.70
GROUP 3	10.54	1.30	ZONE 9 - GROUP 1	7.95	.70
GROUP 4	10.48	1.30	GROUP 2	7.52	.70
GROUP 5	10.92	1.30	GROUP 3	6.90	.70
ZONES 2 & 3 - GROUP 1	9.91	1.30	GROUP 4	6.16	.70
GROUP 2	9.61	1.30	ZONE 10 - GROUP 1	7.69	.70
GROUP 3	9.41	1.30	GROUP 2	7.25	.70
ZONES 4 & 5 - GROUP 1	9.76	1.30	GROUP 3	6.64	.70
GROUP 2	9.46	1.30	GROUP 4	5.90	.70
GROUP 3	9.26	1.30	<b>TRUCK DRIVERS:</b>		
ZONE 6 - GROUP 1	7.00	.95	ZONE 1:		
GROUP 2	6.70	.95	Single axle, jack & spreader		
GROUP 3	6.50	.95	tandem axle, jack, power lift		
ZONE 7 - GROUP 1	7.00	.82	form truck & jack, jack & spre		
GROUP 2	6.35	.82	spreader trucks, lowboys, trac-		
GROUP 3	5.90	.82	tor-trailer water pulle, tan-		
ZONES 8, 9 & 10 - GROUP 1	6.05	.95	dem dump w/auxiliary end		
GROUP 2	5.75	.95	dem trailer	10.27	1.75
GROUP 3	5.55	.95	Water Poles	10.62	1.75
			Lumber carrier	10.82	1.75
			ZONES 2 & 3	10.46	.85
			ZONES 4 & 5	10.18	.85
			ZONE 6	9.35	.85
			ZONE 7	7.02	.35
			ZONE 8	6.15	.35
			ZONE 9	6.27	.30
			ZONE 10	6.00	.30

ZONE 1 - City of Council Bluffs  
 ZONE 2 - Linn & Polk Cos.; City of Dubuque  
 ZONE 3 - City of Clinton  
 ZONE 4 - Black Hawk Co.; Cities of Ames & Iowa City  
 ZONE 5 - City of Burlington (including Burlington Ordnance Plant)  
 ZONE 6 - Pottawattamie Co. (area west of the eastern boundaries of Minden, York, Washington & Silver Creek townships); Benton, Boone, Buchanan, Cedar, Clinton, Dallas, Delaware, Dubuque, Jackson, Jasper, Johnson, Jones, Madison, Marion, Marshall, Story, Warren Cos.; the Cities of Fort Madison, Keokuk, Muscatine & their abutting municipalities (excluding the Cities of Ames, Clinton, Council Bluffs, Dubuque & Iowa City & their abutting municipalities)  
 ZONE 7 - Des Moines, Louisa & Muscatine Cos. (excluding Cities of Burlington (including Burlington Ordnance Plant), Muscatine & abutting municipalities)  
 ZONE 8 - Allamakee, Appanoose, Bremer, Butler, Chickasaw, Clayton, Davis, Fayette, Floyd, Franklin, Grundy, Hamilton, Hancock, Hardin, Henry, Howard, Iowa, Jefferson, Keokuk, Lee, Mahaska, Mitchell, Monroe, Poweshiek, Tama, Van Buren, Wapello, Washington, Winnebago, Winnebush, Worth & Wright Cos. (excluding Cities of Keokuk, Fort Madison & abutting municipalities)  
 ZONE 9 - Adair, Adams, Audubon, Calhoun, Carroll, Cass, Clarke, Crawford, Decatur, Fremont, Greene, Guthrie, Harrison, Ida, Lucas, Mills, Monona, Montgomery, Pottawattamie, Sac, Shelby, Taylor, Union, Wayne & Woodbury Cos. & Pottawattamie Co. (east of Minden, York, Washington & Silver Creek townships)  
 ZONE 10 - Buena Vista, Charoake, Clay, Dickinson, Emmet, Humboldt, Kosuth, Lyon, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas & Sioux Cos.

LABORERS CLASSIFICATION DEFINITIONS - ZONE 1  
 GROUP 1 - General Laborers  
 GROUP 2 - Towboats & dredge deckhands  
 GROUP 3 - Sakers & Screamers on Asphalt; Mortar Mixers; Chain Saw Operators  
 GROUP 4 - Pipelayers; Concrete Saw Op.  
 GROUP 5 - Form Setters & Precast Manhole Setter, Inlet Builders & Manhole Setters

LABORERS CLASSIFICATION DEFINITIONS - ZONES 2 thru 10  
 GROUP 1 - Sandblasters; Powderman & blaster; Powderman tender; Pipelayer, sewer, water, telephone conduits, etc.; Sewer utility toeman & laser Op.; Granite masonry; diamond & core drills, powered by air; All work performed by laborers working from a bos'n chair, swinging stage, tag line or block & tackle; Drill ops. of air trace, wagon drills & similar drillings; Tree Climber; Form setters; Baker; Automatic asphalt & concrete power curbing machines; Potmen; not mechanical; Timbermen; Underpinning & shoring; Calsons over 12' depth; Grade Checker & cutting torches on demolition work; Trenchers; Self-propelled vibrating compactors; Safety boat ops.  
 GROUP 2 - Power buggies; Concrete & paving sawmen; Form line; Expansion joint assembler; Bottom man; Caulker; Joiner & painter; Timber & chair-sawman; Mechanical grouters; Stresser or stretcherman on post tension or prestressed concrete on or off the job; Form tender; Air, Gas, Electric tool ops.; Vibrator, baroc hammer, paving breakers, speeders, tampers, electric drills, hammer & jack hammers; Tree groundman; Chain tender; Drill tender; Tool room men & checkers; Sandblaster tender; Concrete processing material & monitors; Cement finisher tender; Stringman or paving work & power broom op.  
 GROUP 3 - Fence erectors; Handling & placing of metal mesh, dowel bars, reinforcement bars & chairs; Dumper & spotter; Carrying reinforcing rods; Corrugated culvert pipe; Stake chaser, seeding & mulching & planting of trees shrubs & flowers; Mechanical tender; Group grasper tender; Water pumps (under 3"); Compressors (under 400 CFM); Common Labor; Carpenter tender & hot asphalt labor



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POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS - JONES 1, 2, 3, 4, & 5

GROUP 1 - Power Shovel, Crane, Backhoe & Dragline; Central Mix Plant; Dredge Engineer; Bridge Levee; Paver or Spreader; Existing Engineer (steel erection); Motor Patrol; Pile Driver; Machine; Concrete Mixer; Tow or Push Boat; Master Mechanic; CMI Paver; CMI Subgrader (or equivalent); Asphalt Plant; Front End Loader; Scraper; Bulldozer; Push Cat; Tractor; Pulling Scraper; Sideboom Tractor; Chain or Rotary Drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt Laydown; Asphalt Screed; Asphalt Heater-Planer Unit; Asphalt Roller; Self-propelled Elevating Grader or similar machine; Spreader (Concrete); Horizontal Boring Machine; Mechanics-Welders; Group Equip. Greaser; Concrete Pump; Self-propelled Curb Machine

GROUP 2 - Concrete Curb Breaking Machine; Concrete Widening Machine; Paving Breaker; Barber Greene; Baisa Loader or similar machine; Tractor-pulling tiger, disc, sheepsfoot or flat roller; Self-propelled Sheepsfoot Roller; Self-propelled Roller (other than asphalt); Distributor; Screening & Washing Plant; Self-propelled Vibrating Compactor; Trenching Machine (other than above); Steel Placing Machine; Conveyor; Finishing Machine (on concrete); Flexplate; Bulldozer; Form Grader; Water Wagon on Compaction

GROUP 3 - Soiler; Mechanical Broom; Oiler; Farm-type tractor (pulling disc, harrow or roller); Welding Machine; Pump (other than dredge); Boom & Winch Truck; Compressor; Tank Car Heater (combination boiler & booster); Pumps on Well Points & Deep Wells for dewatering; Truck Crane Combination Driver-Oiler; Concrete Curb Machine; Safety Boat; Batch Plant; Dry; Light Plants; Compressors; Mechanical Heaters; Pumps; Welding Machines; Conveyors

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS - JONES 6, 7, 8, 9, &amp; 10

GROUP 1 - Power Shovel; Crane; Backhoe (3/4 cu. yd. or larger); Dragline; Dredge Engineer & Levee; Existing Engineer (steel erection); Motor Patrol (finish); Pile Driver; Master Mechanic; Sideboom Tractor; Horizontal Boring Machine

GROUP 2 - Central Mix Plant; Paver or Self-propelled Spreader; Tow or Push Boat; CMI Paver; Subgrader or equivalent; Asphalt Plant; Scraper (over 12 cu. yd.); Bulldozer (finish); Push Cat; Mechanics-Welders; Chain or Rotary Drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt Laydown; Asphalt Screed; Asphalt Heater-Planer; Concrete Pump; Self-propelled Curb Machine

GROUP 3 - Motor Patrol (rough); Front End Loader (3 cu. yd. or over); Scraper (12 cu. yd. & under); Bulldozer (rough); Backhoe (under 3/4 cu. yd.); Asphalt Roller; Group Equip. Greaser; Concrete Curb Breaking Machine; Concrete Widening Machine; Paving Breaker; Barber Greene; Baisa Loader or similar machine; Crawler Tractor (pulling disc, sheepsfoot, ripper or flat roller); Self-propelled Sheepsfoot Roller; Self-propelled Roller; Distributor; Screening & Washing Plant; Self-propelled Vibrating Compactor; Trenching Machine (other than above); Steel Placing Machine; Conveyor; Finishing Machine (on concrete); Flex Plate; Bulldozer; Form Grader

GROUP 4 - Boiler; Mechanical; Boom; Oiler; Farm-type tractor (pulling disc, harrow or roller); Welding Machine; Pump (other than dredge); Boom & Winch Tractor; Compressor; Tank Car Heater (combination boiler & booster); Pumps on Well Points & Deep Wells for dewatering; Truck Crane Combination Driver-Oiler; Concrete Curb Machine; Safety Boat; Batch Plant; Dry; Spreader attachments; Utility Tractor with attachments

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

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